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Agenda No. 12  
03/22/05

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: GENERAL PLAN AND SUB-PLAN AMENDMENT NUMBER 98-008-(5)  
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

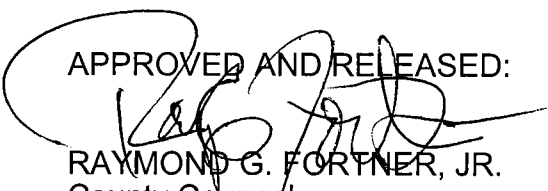
On March 22, 2005, your Board conducted a hearing on the recommendation of the Regional Planning Commission to reinstate approval of an amendment to the General Plan in connection with a proposal to create 1,521 lots consisting of 1,262 residential lots (for development of a maximum of 2,545 dwelling units); 11 commercial lots; 3 lots for recreation areas; 32 lots for paseos, trails, and bridge crossings; 110 open space lots; and 103 lots containing water tanks, storm water drainage facilities, and private drives, located on approximately 966.6 acres in the Newhall Zoned District. At the conclusion of the hearing, you indicated an intent to reinstate the approval of the amendment and instructed us to prepare the necessary resolution and exhibit map to implement that approval. Enclosed are the resolution and relevant map for placement on the Board's agenda for final action. The resolution also addresses the additional perchlorate issue that arose after your Board's hearing.

Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By   
LAWRENCE L. HAFETZ  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

  
RAYMOND G. FORTNER, JR.  
County Counsel

LLH:di  
Enclosures

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF LOS ANGELES  
RELATING TO GENERAL PLAN AND SUB-PLAN AMENDMENT  
NUMBER 98-008-(5)**

**WHEREAS**, Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with section 65350) provides for adoption of amendments to county general plans; and

**WHEREAS**, the project applicant submitted applications to the Los Angeles County Department of Regional Planning ("Department") for General Plan And Sub-Plan Amendment No. 98-008-(5), Zone Change No. 98-008-(5), Conditional Use Permit No. 98-008-(5), Oak Tree Permit No. 98-008-(5), Parking Permit No. 98-008-(5), and Vesting Tentative Tract Map No. 52455 for the West Creek project; and

**WHEREAS**, the West Creek project is located on an approximately 966-acre site in the northern portion of unincorporated Los Angeles County and within the County's Santa Clarita Valley Planning Area; and

**WHEREAS**, as discussed below, the project approvals that were granted but suspended by court order for the West Creek project as follows:

- a. General Plan and Sub-Plan Amendment No. 98-008-(5);
- b. Zone Change No. 98-008-(5);
- c. Conditional Use Permit No. 98-008-(5) to authorize development of the site as a Residential Planned Development and Neighborhood Business Zone, development in a Hillside Management Area, development in an Significant Ecological Area ("SEA"), and to permit the use of commercially designated property for residential uses;
- d. Oak Tree Permit No. 98-008-(5) to authorize removal of 13 oak trees;
- e. Parking Permit No. 98-008-(5) for off-site and reciprocal parking; and
- f. Vesting Tentative Tract Map No. 52455 (hereafter, collectively, "Project Approvals").

**WHEREAS**, the Project Approvals would allow for a proposed mixed residential and commercial development in the Santa Clarita Valley area of northern Los Angeles County; and

**WHEREAS**, in conjunction with preparation of the Project Approvals, and in accordance with the California Environmental Quality Act (Public Resources Code sections 21000, et seq. ("CEQA")) and the State CEQA Guidelines (14 Cal. Code Regs. sections 15000, et seq. ("the CEQA Guidelines")), the Department caused to be prepared the West Creek Environmental Impact Report ("West Creek EIR;" SCH No. 1998021052); and

**WHEREAS**, after preparation and public circulation of the West Creek EIR, the Regional Planning Commission ("Commission") conducted concurrent public hearings regarding the West Creek EIR and the Project Approvals on June 16, 1999, August 23, 1999, and October 4, 1999; and

**WHEREAS**, on May 24, 2000, the Commission recommended certification of the West Creek EIR and adoption of the Project Approvals; and

**WHEREAS**, the Los Angeles County Board of Supervisors ("Board") duly considered the decisions and recommendations of the Commission, the public testimony for and against the West Creek project, the recommendations and testimony of both the Department of Regional Planning and Department of Public Works, and the West Creek EIR (SCH No. 1998021052), including the documentation within each department file; and

**WHEREAS**, the Board also conducted public hearings regarding the West Creek EIR and the Project Approvals on August 22, 2000, and September 26, 2000; and

**WHEREAS**, on September 26, 2000, the Board certified the adequacy of the West Creek EIR under CEQA and the CEQA Guidelines, finding that: (1) the Final EIR had been completed in compliance with CEQA; (2) that the Board had reviewed and considered the information in the Final EIR prior to approving the project; and (3) the Final EIR reflected the Board's independent judgment and analysis; and

**WHEREAS**, on December 19, 2000, the Board: (a) adopted CEQA Findings and a Statement of Overriding Considerations; (b) approved the Mitigation Monitoring Plan; and, (c) adopted the Project Approvals; and

**WHEREAS**, on January 30, 2001, a petition for writ of mandate was filed, challenging the Board's certification of the West Creek EIR and adoption of the Project Approvals ("the West Creek litigation"); and

**WHEREAS**, on January 10, 2002, after a hearing before the Honorable Thomas P. Anderle of the Santa Barbara Superior Court, the trial court issued a Judgment in favor of the Department and the project applicant denying the petition for writ of mandate in the West Creek litigation, and petitioners filed an appeal of that Judgment; and

**WHEREAS**, on February 27, 2003, the Second District Court of Appeal, Division 6, reversed the trial court's Judgment in the West Creek litigation and remanded the matter for further proceedings consistent with its published opinion (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715); and

**WHEREAS**, in June 2003, after a remand hearing, the trial court issued a new judgment granting a writ of mandate in favor of petitioners and vacating the trial court's prior Judgment filed on January 10, 2002; and, the trial court ordered the Department and its Board to vacate and set aside its certification of the West Creek EIR and to take further actions, consistent with the trial court's writ of mandate, CEQA and the views expressed by the Court of Appeal in its published opinion; and

**WHEREAS**, the trial court's writ of mandate directed the Department, its Board and others to do the following:

- a. Vacate and set aside, in its entirety, its certification of the West Creek EIR;
- b. Revise the water supply analysis in the West Creek EIR to include the issues presented in the Court of Appeal's published opinion, including, at a minimum, accurate availability, reliability and supply estimates for the State Water Project ("SWP") water in wet, average, and dry years, which estimates must be obtained from the Department of Water Resources ("DWR");
- c. Revise and reassess the West Creek EIR's cumulative impacts analysis for water supply and demand, and any and all analysis contained in the West Creek EIR related to water supply and demand;
- d. Recirculate the revised West Creek EIR for public review and comment. If there are comments on the revised West Creek EIR, then adequate and detailed responses must be prepared for such comments, as required under Public Resources Code section 21092.5 and consistent with the Court of Appeal's published opinion;
- e. In preparing the revised West Creek EIR, the Department and its Board must make clear in the revised water supply analysis that SWP entitlements are not equivalent to actual deliveries of water;
- f. Suspend all project activity that could result in an adverse change or alteration to the physical environment, until the Board has certified that the revised West Creek EIR complies with CEQA;

- g. Refrain, until such time as the Board has certified the revised West Creek EIR, from issuing any and all permits, certificates or other final authorizations that will result in any change to the physical environment within the West Creek project site;
- h. Refrain, until such time as the Board has certified the revised West Creek EIR, from doing any work that will effect any change to the physical environment within the West Creek project site; and

**WHEREAS**, the trial court's writ of mandate further directed the Department, its Board and others as follows:

- a. Any permits issued in conjunction with the approval of other projects will not be affected by suspension of the West Creek project activities. Thus, to the extent ongoing property maintenance or work on the Rio Norte School or Decoro Drive Bridge does not rely upon Project Approvals, those activities will not be subject to the suspension. However, if a permit was not issued in conjunction with the West Creek project, but relied upon the certification of the West Creek EIR, then use of that permit is precluded under the injunction in the Writ;
- b. Project applicant shall provide fifteen (15) working days' notice to petitioners in the West Creek Litigation before commencing any and all work, under any permit or approval within the boundaries of the SEA for the San Francisquito Creek within the West Creek project site;
- c. The County shall file a return to the writ within twenty (20) days following the date on which the Department has filed and posted its Notice of the Determination on the revised West Creek EIR; petitioners' responding brief, if any, to the return shall be filed within twenty (20) days following the date on which the County files its return; the County's reply brief, if any, shall be filed within fifteen (15) days following the date on which petitioners file their response to the County's return, if any; all parties shall serve one another by facsimile and overnight mail; and the hearing on the return shall be held on the second Friday following the date on which the County is scheduled to file its reply brief, or such other date as the Court shall dictate; and

**WHEREAS**, the trial court also made it clear at the remand hearing that the Project Approvals were suspended pending the preparation and certification of the revised environmental documentation for the West Creek project; and

**WHEREAS**, in or about August 2003, the Department caused the West Creek Draft Additional Analysis to be prepared in response to the Court of Appeal and the trial court's writ of mandate, and the Draft Additional Analysis serves as the CEQA document required to revise and reassess the original EIR's cumulative impacts analysis for water supply and demand, and any and all analysis in that EIR related to water supply and demand. It also evaluates the availability, reliability and supply estimates for SWP water in wet, average and drought years using estimates obtained from the DWR, consistent with CEQA, as well as the Court of Appeal decision and the trial court's writ; and

**WHEREAS**, the West Creek Draft Additional Analysis was circulated for review and public comment for the 45-day period required by CEQA, commencing on December 15, 2003, to January 28, 2004; and

**WHEREAS**, the Commission held public hearings on the West Creek Draft and Final Additional Analysis on February 4, 2004, and April 14, 2004; and

**WHEREAS**, on May 12, 2004, the Commission continued the West Creek matter due to the confirmed discovery of the western spadefoot toad on the West Creek project site, which discovery occurred after the Department had already circulated for review and public comment the West Creek Draft and Final Additional Analysis; and

**WHEREAS**, at the direction of County staff, a "Western Spadefoot Toad Analysis," Volume V (June 2004), was prepared as a component of the West Creek Draft Additional Analysis, and the Augmented Environmental Analysis (spadefoot) ("AEA Spadefoot") was circulated for a 45-day review and public comment period, commencing from June 28, 2004, to August 11, 2004; and

**WHEREAS**, on August 11, 2004, the Commission held a public hearing on the adequacy of the AEA Spadefoot; and

**WHEREAS**, the West Creek Final Additional Analysis, Volumes III and IV (April 2004), and Volume VI (September 2004), was prepared and circulated for public review at the direction of the Department to respond to all written and oral comments received on the West Creek Draft Additional Analysis and the AEA Spadefoot; and

**WHEREAS**, on September 15, 2004, the Commission recommended: (a) certification of the West Creek EIR, as revised by the Draft and Final Additional Analysis, including the AEA Spadefoot; and (b) readoption of the Project Approvals, with modifications to the previously adopted water service and environmental findings, as set forth in the Commission's Resolution and related findings; and

**WHEREAS**, on October 26, 2004, the Board continued the previously set public hearing regarding the West Creek revised environmental documentation and the Project Approvals; and

**WHEREAS**, on January 25, 2005, the Board held a public hearing regarding the West Creek revised environmental documentation and the Project Approvals, heard public testimony in opposition to and in favor of the project, and closed the public hearing with respect to any further public comments raising environmental issues relating to the West Creek EIR, as revised by the Draft and Final Additional Analysis; and

**WHEREAS**, on March 22, 2005, after the close of the public hearing, the Board certified the West Creek EIR, as revised by the Draft and Final Additional Analysis, adopted the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (March 2005) and the revised Mitigation Monitoring Plan ("Mitigation Monitoring Program"), and, in doing so, indicated its intent to reinstate and reaffirm the previously adopted Project Approvals, and instructed County Counsel to prepare the necessary resolution, ordinance, findings and conditions of approval; and

**WHEREAS**, after the Board's certification of the West Creek EIR, as revised by the Draft and Final Additional Analysis on March 22, 2005, and before the Board acted to reinstate and reaffirm the previously adopted Project Approvals, the project applicant advised the Department and its Board that Valencia Water Company, the local retail water purveyor for the West Creek project, had confirmed the detection of perchlorate in Valencia's Well Q2, an Alluvial aquifer municipal-supply well, in connection with regular monitoring of active wells near the former Whittaker-Bermite facility, located in the City of Santa Clarita; and

**WHEREAS**, in response to that information, the Department caused to be prepared the Supplement to the West Creek EIR and Final Additional Analysis (SCH No. 1998021052) ("Supplement") to document the determinations made by the Department regarding the detection of perchlorate in Valencia's Well Q2; and

**WHEREAS**, the Department provided notice of availability of the Supplement to all public agencies, organizations and other persons on or about May 18, 2005; the Department caused the Supplement to be circulated for a 45-day public review and comment period, commencing on May 18, 2005 to July 1, 2005; and, thereafter, the Department caused to be prepared written responses to public comments on environmental issues raised in the Supplement; and

**WHEREAS**, the Department provided public notice of the Board's hearing scheduled for July 26, 2005, to consider the West Creek EIR, as revised by the Final Additional Analysis and Supplement; to decide whether to reinstate and reaffirm the previously approved Project Approvals; and to adopt the necessary resolution, ordinance, findings and conditions of approval relating to the Project Approvals; and

**WHEREAS**, on July 26, 2005, the Board conducted a public hearing on the West Creek EIR, as revised by the Final Additional Analysis and Supplement, and the Project Approvals; and

**WHEREAS**, the Board has duly considered the decisions and recommendations of the Commission, the public testimony for and against the West Creek project, the recommendations and testimony of both the Department of Regional Planning and Department of Public Works, and the West Creek EIR, as revised by the Final Additional Analysis, including the AEA Spadefoot, and the Supplement, and the documentation within the files of both departments; and

**NOW, THEREFORE**, the Board reinstates and reaffirms its prior findings and adopts new water-related findings for the West Creek project, as follows:

1. The subject property is an approximate 966.6-acre site located north of the City of Santa Clarita. The project site is bounded generally by the approved Tesoro del Valle project (Tract No. 51644) to the north, Valencia High School and Valencia Industrial Center to the south, the Lockheed Industrial Park to the west, and San Francisquito Creek to the east. Copper Hill Drive bisects the project site from the northeast to the southwest.
2. The subject property is currently undeveloped. On the western portion of the site are hillsides and ridges, some of which have been modified from grading for fire access roads, installation, and maintenance of Southern California Edison transmission line towers and Metropolitan Water District water lines. The eastern portion of the project site is disturbed due to previous agricultural activities. Much of the site has also been disturbed due to construction of Copper Hill Drive.
3. The topography of the project site varies from the relatively level area along San Francisquito Creek at the eastern project boundary to moderate to steep hillsides in the western portion of the site.
4. Much of the site contains coastal sage chaparral vegetation dominated by chamise. The floodplain and terraces of San Francisquito Creek along the eastern portion of the property contain a mixed vegetation consisting of dense stands of cottonwood and willow, sometimes mixed with giant reed.
5. Approximately 193 acres of the site, located along San Francisquito Creek, the project's eastern boundary, are designated by the General Plan as Significant Ecological Area ("SEA") 19. SEA 19 was established to preserve San Francisquito Creek as a movement corridor for the Unarmored Threespine Stickleback (*gasterosteus aculeatus willamsoni*), a state and federally listed endangered species.
6. The site contains a total of 18 mature oak trees with circumferences of 25 inches or more, or with two trunks that total at least 38 inches in circumference at 4.5 feet above ground, which are subject to the provisions of the Los Angeles

County Oak Tree Ordinance. Among these mature oak trees is one heritage oak having a trunk diameter greater than 36 inches (circumference greater than 13 inches), measured 4.5 feet above the ground. A total of 13 oak trees will be removed, and development will be allowed to encroach into the protected zone of another three oak trees. The heritage oak will be maintained.

7. The proposed development for the site includes the following:
  - 2,545 dwelling units, comprised of 1,248 single-family dwelling units, 968 new condominiums, and 329 apartment units, on approximately 319.4 acres;
  - two neighborhood commercial developments containing approximately 180,000 square feet of building area on approximately 19.2 acres;
  - an elementary school site, water tank sites, private recreational sites totaling 5.4 acres, an approximate 15.4-acre public park, landscaped/paseo lots, and open space lots.
8. Vehicular access to the project site will be from Copper Hill Drive in both the northeastern and southwestern portions of the project site.
9. General Plan (Sub-Plan) Amendment No. 98-008-(5), Zone Change No. 98-008-(5), Conditional Use Permit No. 98-008-(5), Oak Tree Permit No. 98-008-(5), Parking Permit No. 98-008-(5), and Vesting Tentative Tract Map No. 52455 were considered concurrently in the hearing(s) conducted by the Board.
10. The Los Angeles County General Plan currently depicts the subject property within the following land use categories (see attached Exhibit I):
  - R - Non-Urban;
  - 1 - Low Density Residential (16 du/acre);
  - 2 - Low/Medium Density Residential (612 du/acre);
  - I - Major Industrial; and
  - SEA - Significant Ecological Area.
11. The Santa Clarita Valley Areawide Plan currently depicts the subject property within the following land use categories (see attached Exhibit 2):
  - UI - Urban 1(1.1 to 3.3 du/acre)
  - U2 - Urban 2 (3.4 to 6.6 du/acre)
  - U4 - Urban 4 (15.0 to 40.0 du/acre)
  - C - Commercial
  - I - Industrial
  - W/SEA - Floodway/Significant Ecological Area
  - HM - Hillside Management (Up to 1 du/acre).

12. An analysis of the existing Santa Clarita Valley Areawide Plan classifications indicates that a theoretical maximum of 2,749 dwelling units and 1.3 million square feet of commercial or industrial space are allowed on the subject property. As permitted by the provisions of the Santa Clarita Valley Areawide Plan, whenever flood control measures are provided so as to eliminate the flood hazard to the satisfaction of the Department of Public Works ("DPW"), land use categories adjacent to the Floodplain Management Area can be extended without the need for a plan amendment. On 41.9 acres of the project site, bank stabilization approved by DPW will eliminate the flood hazard and allow this additional acreage to be incorporated into the adjacent land use categories, resulting in a total of 394 dwelling units. These additional units are included in the maximum total of 2,749. (See attached Exhibit 3.)
13. The applicant is requesting an amendment to the Los Angeles County General Plan Land Use Policy Map as depicted on attached Exhibit 4 and as follows:

<b>Land Uses</b>			<b>Current</b>	<b>Proposed</b>
R	-	Non-Urban	305.6 acres	337.2 acres
1	-	Low Density Residential	172.8 acres	174.4 acres
2	-	Low Medium Density Residential	176.0 acres	176.7 acres
3	-	Medium Density Residential	0 acres	100.3 acres
SEA	-	Significant Ecological Area	193.0 acres	178.0 acres
I	-	Industrial	119.2 acres	0 acres
<b>Total:</b>			<b>966.6 acres</b>	<b>966.6 acres</b>

14. The applicant is requesting an amendment to the Santa Clarita Valley Areawide Plan Land Use Policy Map as depicted on attached Exhibit 5, and as follows:

<b>Land Uses</b>			<b>Current</b>	<b>Proposed</b>
UI	-	Urban 1 (1.1 - 3.3 du/acre)	206.5 acres*	174.4 acres
U2	-	Urban 2 (3.4 - 6.6 du/acre)	183.1 acres*	166.5 acres
U3	-	Urban 3 (6.7 - 14.9 du/acre)	0 acres	80.5 acres
U4	-	Urban 4 (15.0 - 40.0 du/acre)	5.1 acres*	10.8 acres
C	-	Commercial	11.2 acres	19.2 acres
M	-	Industrial	119.2 acres	0 acres
HM	-	Hillside Management	305.4 acres	337.2 acres
SEA	-	Significant Ecological Area	136.1 acres*	178.0 acres

\*Includes area removed from flood hazard and transferred into adjacent category, as explained above.

15. The applicant is also requesting that the following Countywide General Plan policy maps be amended as depicted on Exhibits 6A through 9B and as follows:

- a. Amend the Special Management Areas Policy Map to add 31.6 acres to the Hillside Management category and reduce the Significant Ecological Area by 15 acres;
  - b. Amend the General Development Policy Map to decrease the Urban Expansion (4) category by 16.6 acres, increase the Non-Urban Hillside (7) category by 31.6 acres, and decrease the Significant Ecological Area category by 15 acres;
  - c. Amend the Conservation/Open Space Policy Map to show an increase in Other Non-Urban and Non-Residential designation from 498.6 acres to 515.2 acres; and
  - d. Amend the Housing Development and Neighborhood Conservation Policy Map to show a decrease of 16.6 acres in the Residential Expansion category and an increase of 16.6 acres in the Other Non-Urban and Non-Residential category.
16. An analysis by staff of the area of the site to remain non-urban indicates that a maximum of 207 dwelling units are allowed. The low-density threshold for the non-urban area is 29.78 units. A total of 42 units have been transferred from the urban area to the non-urban area.
  17. Conditional Use Permit No. 98-008-(5) limits residential development on the subject property to a maximum of 2,545 dwelling units. This includes 249 units within the non-urban area and 2,296 units in the urban area.
  18. The entire property is currently zoned A-2-5 (Heavy Agriculture). This zone permits agricultural and other rural uses, including residential, with a minimum lot area of 5 acres. Based on the existing zoning, the maximum allowable build-out of the project site would be 193 dwelling units. Surrounding zoning is A-2-5 and RPD.
  19. Zone Change No. 98-008-(5) proposes to change the zoning as follows:

<b>Zone</b>	<b>Area in Acres</b>
RPD 5,000-2.0 (Residential Planned Development)	508.0
RPD 5,000-10.0 (Residential Planned Development)	122.1
RPD 5,000-12.0 (Residential Planned Development)	63.6
RPD 5,000-19.0 (Residential Planned Development)	7.0
RPD 5,000-25.0 (Residential Planned Development)	12.0
RPD 5,000-27.0 (Residential Planned Development)	12.0

C-2-DP (Neighborhood Business Development Program)	20.7
OS (Open Space)	222.2

20. Conditional Use Permit No. 98-008-(5) has been concurrently reinstated and reaffirmed by the Board to allow development of the property with 2,545 dwelling units, 180,000 square feet of commercial and retail space in compliance with residential planned development, development program, hillside management and significant ecological area design review criteria. The permit also allows a school, recreational facilities and western spadefoot toad pond construction mitigation on the property, as well as project-related infrastructure.
21. Oak Tree Permit No. 98-008-(5) has been concurrently reinstated and reaffirmed by the Board to allow the removal of 13 trees, provided replacement trees are provided on a 2:1 basis. The grant also allows encroachment within the protected zone of an additional three oak trees.
22. Parking Permit No. 98-008-(5) has been concurrently reinstated and reaffirmed by the Board to permit off-site reciprocal parking, and to provide for excess parking on the Metropolitan Water District property as an added convenience to shoppers.
23. Vesting Tentative Tract Map No. 52455 has been concurrently reinstated and reaffirmed by the Board to allow for the creation of 1,262 residential lots; 11 commercial lots; three lots for recreation areas; 32 lots for paseos, trails and bridge crossings; 110 open space lots; and 103 lots containing water tanks, storm water drainage facilities and private streets.
24. The project has been divided into four planning areas: A, B, C, and D.
25. The project proposes a maximum of 2,545 residential dwelling units. Residential development is proposed in each planning area as follows:
  - Planning Area "A" (255.1 acres) 373 single-family units;
  - Planning Area "B" (232.8 acres) 478 single-family units;
  - Planning Area "C" (291.7 acres) 397 single-family units, 968 new condominiums, and 329 apartment units; and
  - Planning Area "D" (187 acres) no residential units.
26. Approximately 49 percent of the proposed residences are detached single-family units. The single-family lots range in size from 3,350 square feet to 5,000 square feet with nine proposed estate lots of 20,000 square feet.
27. Twenty-two individual sub-areas exist within Development Area "C". In this area, multiple tentative maps have been approved to allow flexibility in the ultimate

design of the subdivision. Nine of the 22 sub-areas are proposed for optional designs giving the developer the ability to choose from a range of housing types and densities. These nine areas are comprised of condominium and lease lots. The type of units permitted as options are the following: detached units on condominium lots, detached units on condominium lots clustered around a motor court area with individual driveway access, detached units on condominium lots with clusters sharing a common access driveway, attached townhouses and multi-family apartment homes.

28. The Decoro Drive Bridge, a transportation infrastructure improvement required by the Master Plan of Highways, will be constructed as part of the project.
29. A system of landscaped trails and walkways, called paseos, is proposed throughout the development, connecting residential, commercial and recreational development areas. The paseo system is buffered from the street system by landscaped parkways.
30. An approximate two-mile trail, 30 feet in width, will be provided adjacent to San Francisquito Creek. It will accommodate hiking, biking and equestrian activities and completes a segment of the Department Master Plan of Trails.
31. A total of 55.83 acres of parkland are provided. A public park of 15.43 acres will be improved and dedicated to the County Department of Parks and Recreation. In addition, 5.4 acres of private recreational facilities will be located throughout Area "C."
32. Approximately 558 acres, or 58 percent of the site, will be left in substantially undeveloped natural open space. These open areas include hillsides and ridges, utility easements, natural drainage areas and the creek trail.
33. Approximately 8 million cubic yards of grading (cut/fill) is proposed on approximately 532 acres of the 966.6-acre site.
34. The proposed project will generate 35,400 automobile trips daily. No Congestion Management Program ("CMP") locations would be significantly impacted.
35. The proposed project incorporates design features intended to reduce impacts of development and remedy existing conditions present on the project site.
36. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County departments of Public Works, Forester and Fire Warden, Parks and Recreation, Health Services and Regional Planning.
37. The subject property is of adequate size and shape to accommodate the yards, walls, fences, parking, landscaping, and other accessory structures, as shown on the site plan and Vesting Tentative Tract Map No. 52455.

38. Compatibility with surrounding land uses will be ensured through the related zone change, conditional use permit, subdivision, and environmental controls.
39. There is no evidence that the proposed project will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the project site.
40. The estimated water demand of the proposed project is 2,194 acre-feet per year ("AFY") in an average year. Project water demand increases in a dry year by approximately 10 percent to a total of 2,413 AFY. To meet this demand, water would be provided to the project by the Valencia Water Company. The project site is located within the Valencia Water Company service area. Water sources expected to be used by Valencia Water Company include a combination of SWP water delivered through Castaic Lake Water Agency ("CLWA") and local groundwater supplies from the Alluvial aquifer and the Saugus Formation. A summary of the water supply and demand available for the West Creek project in conjunction with the existing water demand in the Santa Clarita Valley, as well as future cumulative water demand in the Valley under near-term and long-term conditions, has been presented in the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), which is incorporated herein by this reference, as if set forth in full.
41. Based on the record, sufficient water supplies from the SWP can be reliably delivered through CLWA to serve the West Creek project. In addition, the Final Additional Analysis applied DWR's reliability projections to CLWA's SWP Table A Amount, and noted that such an amount is affected by, and can be reduced due to, a number of factors, including hydrologic conditions, the status of SWP facilities' construction, environmental requirements, and evolving policies for the Sacramento-San Joaquin Delta. The Final Additional Analysis also pointed out that SWP supplies vary from year-to-year depending on many identified factors. As a result, CLWA and the retail water purveyors in the Valley have emphasized developing SWP supplies in conjunction with local groundwater and other water supplies in order to meet the Valley's water demand under varying hydrologic conditions (e.g., average, dry, and critical dry year).
42. In 2002 and 2003, there were adequate and reliable water supplies available in the Santa Clarita Valley to serve the existing population and to also supply water needed for the West Creek project, if implemented at that time.
43. Based on the record, adequate and reliable water supplies exist in the Santa Clarita Valley to serve the West Creek project and the existing and future population during future average, dry and critical-dry years. The Final Additional Analysis used estimates of SWP supplies provided by the state DWR, as directed by the courts in the West Creek litigation. The Final Additional Analysis also calculated and analyzed the difference between SWP entitlements and

actual available SWP water supplies, and made it clear that SWP entitlements are not equivalent to actual deliveries of SWP water.

44. CLWA and the local retail water purveyors in the Santa Clarita Valley have the capability to deliver adequate and reliable supplies of water to their customers and their delivery capability is not significantly impacted by the 1997 discovery of ammonium perchlorate in four Saugus Formation supply wells, the 2002 discovery of perchlorate in one Alluvial aquifer supply well (Stadium well), and the 2005 discovery of perchlorate in one other Alluvial aquifer supply well (Well Q2). In making this finding, the Board has considered the updated perchlorate analysis presented in the: (a) West Creek Draft Additional Analysis, Section 4.0; (b) Final Additional Analysis (including topical responses presenting updated information regarding perchlorate); and (c) Supplement to the West Creek EIR and Final Additional Analysis. In addition, the Board has considered: (a) the 2000 Urban Water Management Plan adopted by CLWA and the retail water purveyors in the Santa Clarita Valley (December 2000); (b) the Court of Appeal decision invalidating the 2000 UWMP on perchlorate grounds; (c) the "Groundwater Perchlorate Contamination Amendment and Other Amendments to the 2000 UWMP" (December 2004), which was prepared in response to the Court of Appeal's decision; and (d) the 2003 and 2004 *Santa Clarita Valley Water Reports*.
45. The West Creek project's on-site improvements to the water delivery system will be made and no significant impacts to the water delivery system of Valencia Water Company would be created. In addition, CLWA, the wholesale water purveyor to Valencia Water Company, maintains sufficient water treatment capacity to treat the potable water supply that would be needed for the proposed project.
46. The West Creek project is but one of a number of development projects contemplated, pending or approved in the vicinity of the project site. An analysis of the cumulative effects of all anticipated project development shows that sufficient water supplies are available to serve projected growth. Based on the record, because available cumulative water supplies exceed demand, even assuming a "worst case" projection of future growth, cumulative development (including the West Creek project) would not result in significant unavoidable cumulative impacts on Santa Clarita Valley water resources.
47. In order to analyze the cumulative water impacts of the West Creek project in combination with other expected future growth, the amount and location of growth expected to occur in addition to the proposed project was predicted through the use of two separate cumulative development scenarios. The two cumulative development scenarios analyzed in the Final Additional Analysis are referred to as the "SB 610 Water Supply Assessment Scenario" and the "Santa Clarita Valley 2025 Build-Out Scenario."

48. Under the first cumulative scenario analyzed, there will be sufficient water supply available to meet the project's demand in addition to existing and other planned future uses.
49. Under the second "worst case" cumulative scenario analyzed, available cumulative water supplies exceed demand, even assuming a "worst case" projection of future growth (cumulative development, plus the West Creek project). Because available cumulative water supplies exceed demand, there are no significant unavoidable cumulative impacts on Santa Clarita Valley water resources.
50. In response to comments, the Department updated its General Plan Development Monitoring System ("DMS") water analysis. Based on the updated DMS Buildout Scenario set forth in the Final Additional Analysis, Volume III (April 2004), Response 6 to the letter from Santa Clarita Organization for Planning the Environment (SCOPE), dated January 27, 2004, there will be sufficient water supplies for the entire demand of the West Creek project and all pending, approved and recorded projects in the DMS. Consequently, no significant cumulative water impacts would occur under the Department's DMS water analysis; and, therefore, the West Creek project is consistent with the Department's DMS policies as they relate to water supplies.
51. The subject property lies within an urban expansion area and is in compliance with the Department's DMS. The project is consistent with the infrastructure portion (Urban Services Analysis) of the DMS since there is or will be adequate water service, sewage discharge capacity, schools, libraries, and fire service. These services were evaluated as part of the environmental analysis and the resultant revised environmental documentation. Cumulative impacts on schools were identified during processing. The permittee has agreed to participate in school financing, thus providing the necessary mitigation measures to reduce impacts on schools. Appropriate fees will be paid for capital library costs to ensure sufficient increased capacity to serve the project's demands.
52. The project is consistent with the access portion of the DMS since there is adequate road service, and commercial and employment facilities are located in close proximity. The road service was evaluated as part of the environmental analysis and the resultant environmental document. The proximity to commercial and employment facilities was evaluated as part of the field investigation and/or general plan evaluation and as part of the environmental analysis and the resultant revised environmental documentation.
53. The project is consistent with the environmental portion of the DMS since there is no significant geotechnical, flood hazard, fire or natural resource project impacts, and the project does not affect publicly-held or privately-dedicated open space, as shown in the County General Plan. These resources/hazards were evaluated as part of the West Creek EIR, as revised.

54. The project, in summary:
- a. Avoids premature conversion of undeveloped land to urban use because it is proximate to and a natural extension of existing development;
  - b. Promotes a distribution of population consistent with service system capacity, resource availability, environmental limitations, and accessibility;
  - c. Directs urban development and revitalization efforts to protect natural and manmade amenities and to avoid severe hazard areas, such as flood prone areas, active fault zones, steep hillsides, landslide areas, and fire hazard areas;
  - d. Encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land;
  - e. Ensures that new development in urban expansion areas will occur in a manner consistent with stated plan policies and will pay for the marginal public costs that it generates;
  - f. Focuses intensive urban uses in an interdependent system of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities; and
  - g. Provides for higher densities or housing to meet increasing demand in areas which will have relatively lesser environmental consequences.
55. The proposed general plan amendment will not place an undue burden upon the community's ability to provide necessary facilities and services, as outlined in the preceding findings of fact and the environmental impact report.
56. The areas of the subject property redesignated from non-urban to urban by the general plan amendment are topographically similar to land to the south, north, and east currently designated as urban on the land use policy map and land to the west currently designated as industrial.
57. The project is located and designed so as to protect the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, or erosion hazard. The project is located and designed so as to avoid or minimize hillside development and mitigated to lessen those impacts as well as the impacts to the presence of geologic or seismic hazards. Potential landslide and other unstable areas will be over-excavated, recompact, or avoided. The residential and commercial component of the project will not encroach into the floodplain management area, and the development potential is transferred into

the interior of the project site. In addition, a storm water drainage system has been designed to convey storm water runoff in a safe manner.

58. The proposed project is compatible with the biotic, cultural, and scenic resources of the area. The project site, including its inherent biological characteristics and resources, and its proposed development were reviewed by the County's Significant Ecological Technical Advisory Committee ("SEATAC") through various reports prepared by the applicant's consultants as required by the County Code for areas designated as SEAs. SEATAC's findings with respect to the above were recorded in the minutes of their meetings and comments were provided to the Commission and included in the environmental documentation for the project. Many of the SEATAC's recommendations were incorporated in the project design throughout the processing of this permit in order to ensure compatibility with biotic resources and to minimize and mitigate development in significant ecological areas. The project design incorporates an upland buffer in which vegetation will be restored and enhanced in a manner that includes removal of non-native species. Non-native plant species will be removed in riparian areas as part of a revegetation plan. Further, the proposed project was designed and located in a manner to protect cultural and scenic resources. Moreover, measures will be taken to minimize any effect the project may have on the Unarmored Threespine Stickleback ("UTS"), including the ability of the fish to migrate along San Francisquito Creek. Areas in which flow velocities in the creek may increase as a result of the project and associated improvements are limited to small areas surrounding the Decoro Bridge abutments. With the exception of the bridge abutments and trails, there will be no structures in the 100-year flood plain of the creek. Additionally, the number of times that the complex variety of factors, including flow velocity, season, duration and location of inhibiting flows, and fish movement, that would have to coincide in order to inhibit UTS movement upstream is expected to be low. Construction and permanent erosion control measures will prevent degradation of San Francisquito Creek. Other design elements of the project will also prevent degradation and intensification of runoff into the creek.
59. The project sets aside appropriate and sufficient undisturbed areas to protect biotic resources within the SEA. One hundred ninety acres of land in the SEA are within the project area and one hundred seventy-eight of those acres will remain undisturbed. The reduction occurs mostly on land that has been subject to historic agricultural activity. Improvements within the SEA are essentially limited to passive recreational and public or semi-public uses essential to the public health, safety, and welfare. Moreover, the project is designed to maintain bodies of water, watercourses, and their tributaries in a natural state, along with wildlife movement corridors.
60. The improvements within the SEA are designed in a manner to protect, preserve, and enhance significant ecological resources, and maintain bodies of water, watercourses, and their tributaries in a natural state, along with wildlife

movement corridors. Decoro Bridge has been designed to minimize creek bed disturbance while satisfying the structural requirements of construction, resulting in bridge abutments being pulled as far back as practicable to avoid impacts to the SEA. After construction, the creek bed will be returned to its natural state with the exception of concrete supports and the bridge abutments. Riparian vegetation will be replaced and enhanced, and may include removal of invasive non-native species that decrease the biological value of existing habitat.

61. The project retains sufficient natural vegetative cover and/or open space through the use of development setbacks to buffer critical natural resources from the project's uses. Where necessary, fences or walls are also provided to buffer important habitat from development. Roads and utilities serving the development are located and designed so as not to conflict with critical resources, habitat area, or migratory paths.
62. In addition to protection of the SEA, the proposed project minimizes development in other sensitive areas and areas subject to natural hazards through design that preserves the dominant features and slopes of the property, while clustering development on the flatter portions of the project site.
63. The western spadefoot toad was discovered on the West Creek site after the Department already circulated for review and public comment the West Creek Draft Additional Analysis, which addressed the water supply and demand issues associated with the West Creek project in response to the Court decision in the West Creek litigation. The CDFG and U.S. Fish and Wildlife Service designate the western spadefoot toad as a special status species. As a result, the Department directed preparation of an AEA Spadefoot to address the environmental effects associated with the confirmed discovery of the western spadefoot toad on the West Creek project site. The original West Creek EIR, at pages 4.3-62 through 4.3-63, contained mitigation measures relating to special-status wildlife species (see, Mitigation Measures 4.3-5 through 4.3-8). In addition to those mitigation measures, the AEA Spadefoot identified two additional measures to mitigate impacts to the western spadefoot toad (see, Mitigation Measures 4.3-9 and 4.3-10).
64. The Board has thoroughly reviewed the AEA Spadefoot. The AEA Spadefoot is a component of the West Creek Draft Additional Analysis, and was circulated for public review and comment for the required 45-day period under CEQA. Based on the Board's review of the AEA Spadefoot, along with the public comments, responses to those comments and the mitigation measures for the spadefoot, the Board concurs with the findings that potential impacts to western spadefoot toad are not considered significant after mitigation under the circumstances presented by this project. The circumstances rendering impacts to western spadefoot less than significant after mitigation consist primarily of the fact that: (a) the western spadefoot was found in artificial man-made retention basins, not natural habitat or disturbed natural habitat; (b) the spadefoot in all likelihood relocated to those

retention basins as "opportunists" from nearby existing undisturbed habitats; (c) the spadefoot likely relocated from off-site areas to the retention basins, because the spadefoot, if it occupied development Area "C," likely could not have survived the grading and recompaction operations that occurred in that area; and (d) the retention basins were constructed to "catch" run-off from adjacent areas and, as constructed, they contain too much water to allow the spadefoot to persist in those basins due to the high potential for predators to develop in those basins; as such, these basins are not considered suitable habitat for the spadefoot. Accordingly, the Board finds that the project remains consistent with the environmental portion of the Department's DMS and that the project remains compatible with the biotic resources within the SEA.

65. The mixed-use urban development authorized by the recommended plan amendment represents a logical continuation of the existing and approved development to the south, north, and east of the project site, and the industrial development to the west.
66. Approval of the recommended plan amendment is in the public interest, specifically in the interest of public health, safety, and general welfare, and is in conformity with good planning practices.
67. The proposed plan amendment is consistent with the goals, policies, and programs of the General Plan and, in fact, helps to implement the various objectives identified with respect to the project site.
68. Approval of the general plan amendment will enable implementation of the various land use objectives, including the preservation of 178.0 acres of SEA 19 and approximately 558 acres as permanent open space, and the provision of a mix of housing types, neighborhood serving retail establishments, schools, recreational facilities, and other public facilities.
69. Modified conditions warrant a revision in the zoning plan as it pertains to the subject property. Specifically, there is a need to place the subject property within zoning classifications that are consistent with and implement the recommended plan amendment and thereby satisfy the applicable goals, objectives, and policies of the General Plan.
70. Adoption of the proposed general plan amendment will enable the development of the subject property as proposed, subject to the approval of the conditional use permit, oak tree permit, parking permit, and tentative tract map.
71. The related zone change, conditional use permit, oak tree permit, parking permit, and tentative tract map will not be effective until the Board has adopted this general plan amendment.

72. The applicant in this case has satisfied the "Burden of Proof" for the requested general plan amendment which is determined by the Board to be needed and appropriate.
73. The proposed project has generated substantial public attention and concerns. Various letters were received, copies of which are on file with the Department of Regional Planning and the Board.
74. The Board heard and considered the input of staff, other local and state agencies, and members of the public with respect to the best means of implementing the various objectives of the General Plan on the subject property.
75. The project site, including its inherent biological characteristics and resources, and its proposed development were reviewed by SEATAC through various reports prepared by the applicant's consultants as required by the County Code for areas designated as SEAs. SEATAC's findings and recommendations with respect to the above were recorded in the minutes of their meetings, provided to the Commission and Board, and included in the environmental documentation for the project. Many of SEATAC's recommendations were incorporated in the project design in order to ensure compatibility with biotic resources.
76. The West Creek EIR (SCH No. 1998021052) was certified by the Board on September 26, 2000. The West Creek Final EIR consists of both the Draft EIR, Volumes I-III, dated April 1999 (including technical appendices), and the Final EIR, Volume I (April 2000) and Volume II (September 2000) (including comments and responses) (collectively, "West Creek Final EIR"). Thereafter, the West Creek Final EIR was revised by: (a) the West Creek Draft Additional Analysis, Volumes I-II (December 2003); (b) the West Creek Final Additional Analysis, Volumes III-IV (April 2004); (c) the AEA Spadefoot, Volume V (June 2004); (d) the Final Additional Analysis, Volume VI (September 2004); (e) the Final Additional Analysis, Volume VII (March 2005); and (f) the Revised Additional Analysis, Volume VIII (April 2005) (collectively, "Final Additional Analysis").
77. After the Board's certification of the West Creek Final EIR and Final Additional Analysis, the Department caused the Supplement to be prepared to address the Department's determinations regarding the detection of perchlorate in Valencia's Well Q2.
78. The West Creek Final EIR, as revised by the Final Additional Analysis and the Supplement, describes the West Creek project, documents the project's environmental impacts and identifies mitigation measures that will be implemented as part of the project. As stated in the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), the West Creek project will result in significant unavoidable direct and cumulative impacts on air quality during both construction and operation phases of the project, biotic resources, visual qualities, solid waste disposal and agricultural resources. Such impacts have been reduced to the

extent feasible and the Board finds that the benefits of the West Creek project outweigh these significant unavoidable impacts. Such unavoidable impacts have been determined to be acceptable based on the overriding considerations set forth in the readopted Statement of Overriding Considerations for the project.

79. The revised Mitigation Monitoring Program prepared in conjunction with the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement, identifies in detail the manner in which compliance with the measures adopted to avoid or mitigate the potential significant impacts of the project is ensured. The revised Mitigation Monitoring Program, which is attached as Exhibit "A" to the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), is incorporated herein by this reference, as if set forth in full. The revised Mitigation Monitoring Program includes additional mitigation measures relating to impacts on the western spadefoot toad within a portion of the project's SEA area. Those mitigation measures shall be implemented, pursuant to Conditional Use Permit No. 98-008-(5), which has been concurrently reinstated and reaffirmed by the Board.
80. The revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), is incorporated herein by this reference, as if set forth in full.
81. The custodian of the documents constituting the West Creek record of proceedings, upon which the Boards' decision is based in this matter, is the Clerk of the Board, the Department of Regional Planning and the Department of Public Works, and the Department's environmental consultant for this project, Impact Sciences, Inc.

**THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:**

- A. Approves the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), prepared for the West Creek project and certifies that it has reviewed and considered the information contained in that documentation;
- B. Certifies that the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), is adequate, complete and in compliance with CEQA, the CEQA Guidelines, the County CEQA Guidelines, the Court of Appeal's published decision and the subsequent trial court writ of mandate in the West Creek litigation, and finds that the West Creek revised environmental documentation reflects the independent judgment of the Board;

extent feasible and the Board finds that the benefits of the West Creek project outweigh these significant unavoidable impacts. Such unavoidable impacts have been determined to be acceptable based on the overriding considerations set forth in the readopted Statement of Overriding Considerations for the project.

79. The revised Mitigation Monitoring Program prepared in conjunction with the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement, identifies in detail the manner in which compliance with the measures adopted to avoid or mitigate the potential significant impacts of the project is ensured. The revised Mitigation Monitoring Program, which is attached as Exhibit "A" to the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), is incorporated herein by this reference, as if set forth in full. The revised Mitigation Monitoring Program includes additional mitigation measures relating to impacts on the western spadefoot toad within a portion of the project's SEA area. Those mitigation measures shall be implemented, pursuant to Conditional Use Permit No. 98-008-(5), which has been concurrently reinstated and reaffirmed by the Board.
80. The revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), is incorporated herein by this reference, as if set forth in full.
81. The custodian of the documents constituting the West Creek record of proceedings, upon which the Boards' decision is based in this matter, is the Clerk of the Board, the Department of Regional Planning and the Department of Public Works, and the Department's environmental consultant for this project, Impact Sciences, Inc.

**THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:**

- A. Approves the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), prepared for the West Creek project and certifies that it has reviewed and considered the information contained in that documentation;
- B. Certifies that the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), is adequate, complete and in compliance with CEQA, the CEQA Guidelines, the County CEQA Guidelines, the Court of Appeal's published decision and the subsequent trial court writ of mandate in the West Creek litigation, and finds that the West Creek revised environmental documentation reflects the independent judgment of the Board;
- C. Determines that the mitigation measures discussed in the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), and the conditions of approval reflected in the West Creek Project Approvals, are the only feasible mitigation measures for the project;

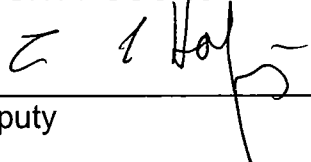
- D. Adopts the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), including the attached Mitigation Monitoring Program, and finds that, pursuant to section 21081.6 of the Public Resources Code, the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation;
- E. Reinstates and reaffirms previously adopted General Plan and Sub-Plan Amendment No. 98-008-(05) amending the Land Use Policy, Special Management Areas Policy, General Development Policy, Conservation/Open Space Policy and Housing Development and Neighborhood Conservation Policy Maps of the County General Plan, and the Land Use Policy Map of the Santa Clarita Valley Areawide Plan as depicted on the exhibits attached hereto and described herein above; and
- F. Finds that the reinstated General Plan and Sub-Plan Amendment, as depicted on the exhibits attached hereto and described herein above, is consistent with the goals, policies and programs of the Los Angeles County General Plan and the Santa Clarita Valley Areawide Plan.

The foregoing Resolution was on the \_\_\_\_ day of \_\_\_\_\_, 2005, adopted by the Board and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

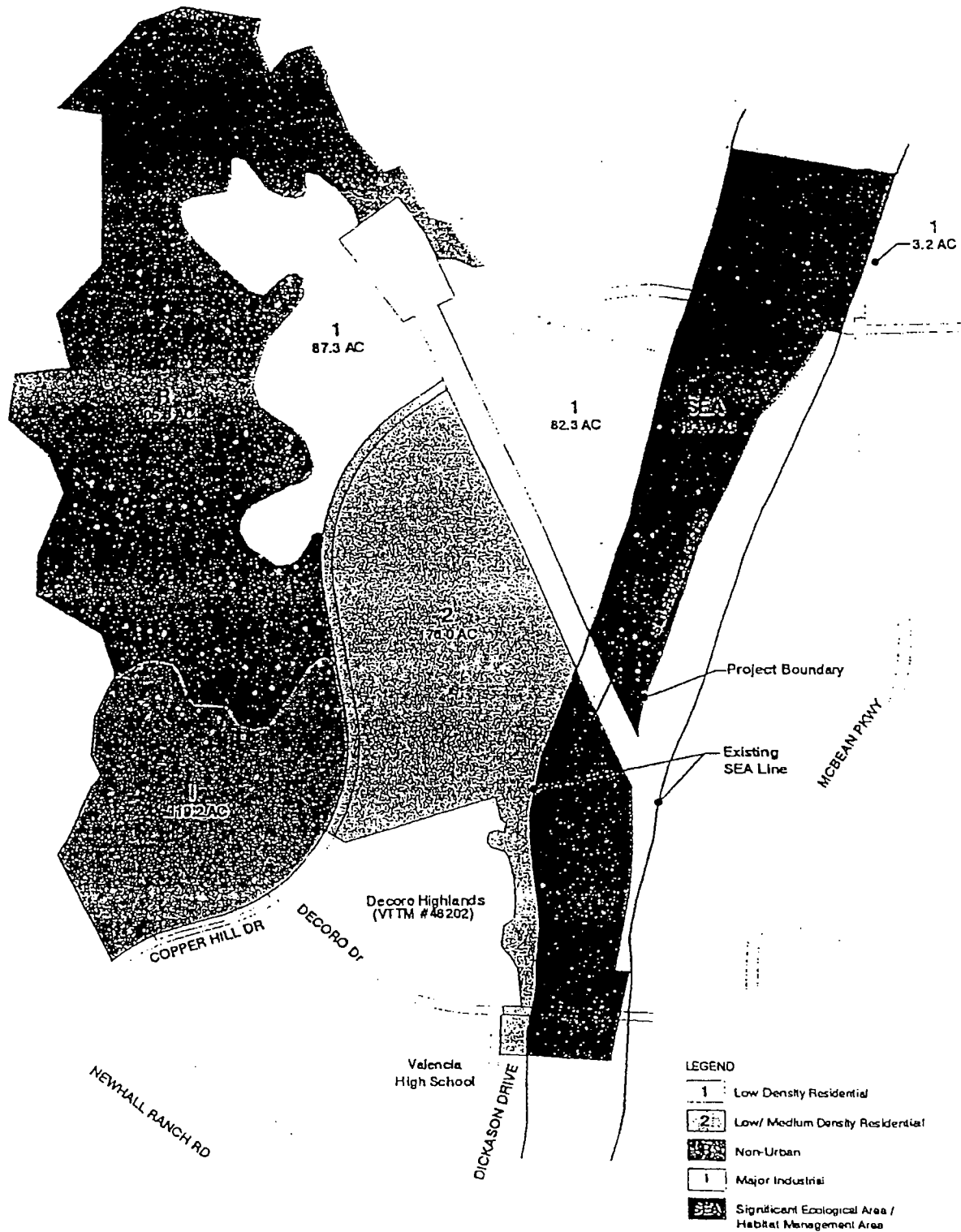
VIOLET VARONA-LUKENS, Executive Officer-Clerk  
of the Board of Supervisors of the County of  
Los Angeles

By: \_\_\_\_\_

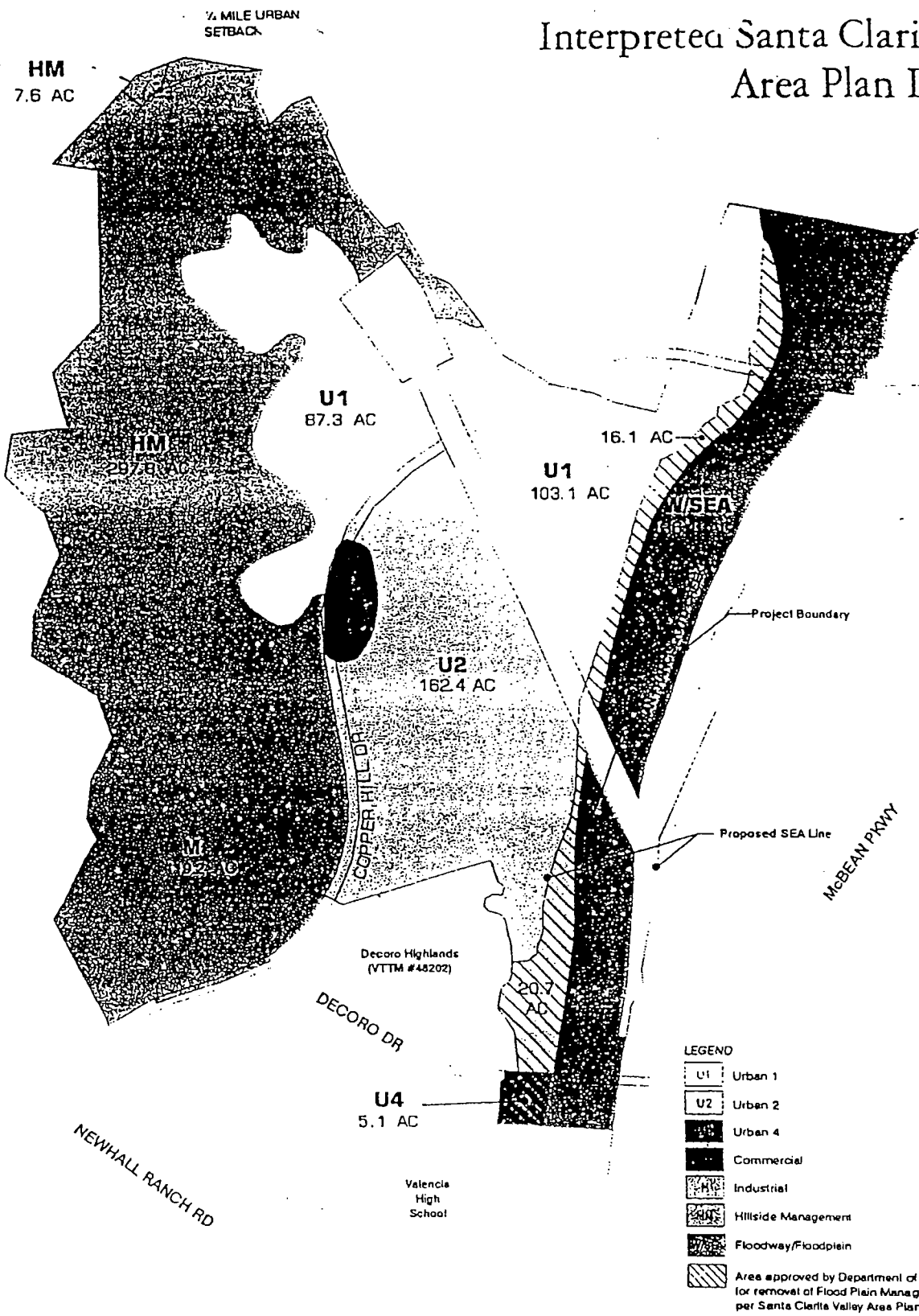
APPROVED AS TO FORM  
BY COUNTY COUNSEL

By:  \_\_\_\_\_  
Deputy

# Existing Land Use Policy Map



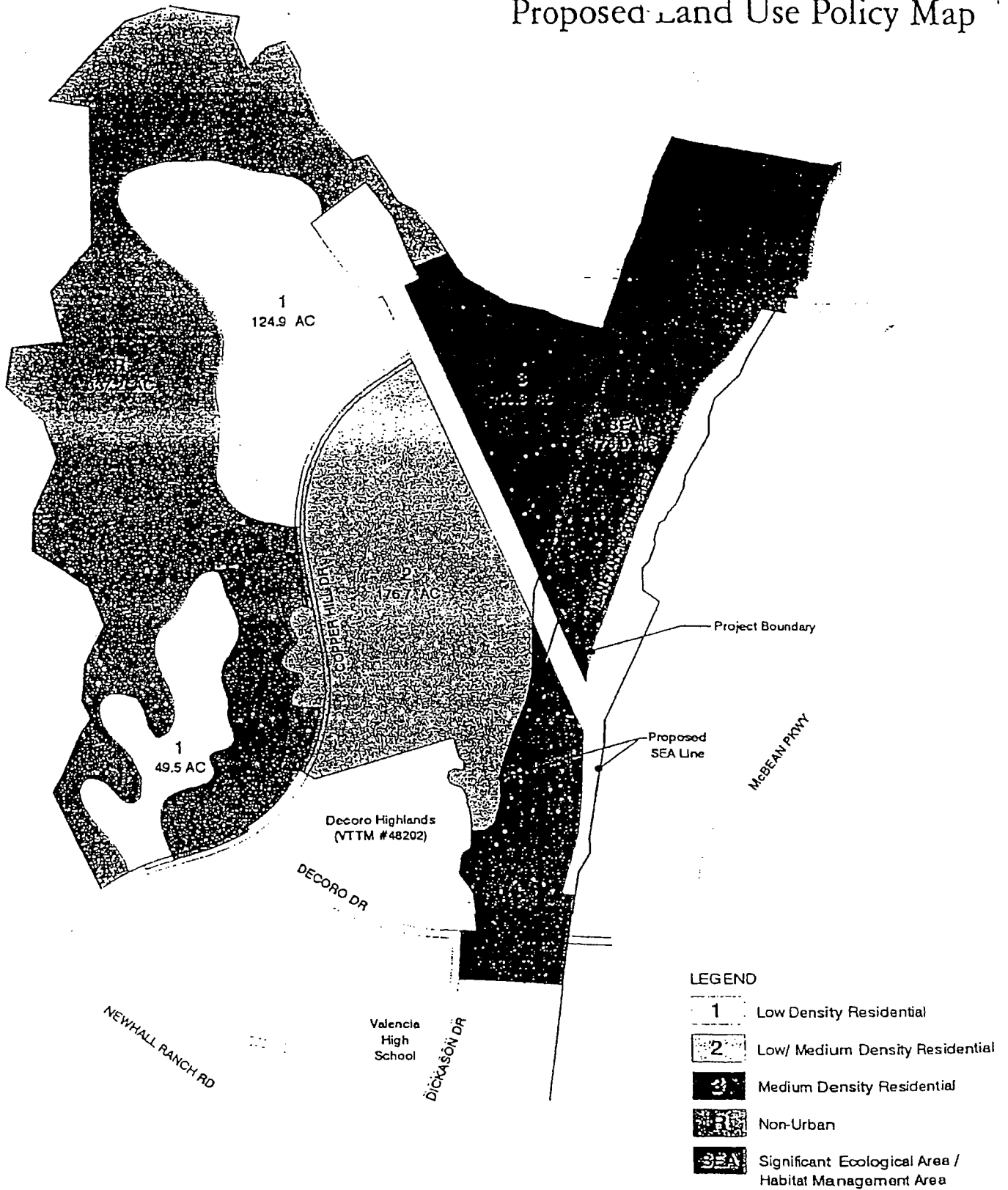
# Interpreted Santa Clarita Valley Area Plan Land Use



**TABLE 2**  
**COMPARISON BETWEEN INTERPRETED AND PROPOSED LAND USES**  
**SANTA CLARITA VALLEY AREA PLAN**

<i>Land Use Designations</i>	<i>Density DU/AC</i>	<i>Interpreted SCVAP</i>		<i>Proposed SCVAI Acreage</i>
		<i>Acreage</i>	<i>Units</i>	
Urban 1 (U1)	1.1 - 3.3	206.5	681	174.4
Urban 2 (U2)	3.4 - 6.6	183.1	1,208	166.5
Urban 3 (U3)	6.7 - 14.9	0.0	0	80.5
Urban 4 (U4)	15.0 - 40.0	5.1	204	10.8
Commercial (C)	40.0	11.2	448	19.2
Industrial (M)	0	119.2	0	0.0
Hillside Management (HM)	Per Slope %	305.4	208	337.2
Watershed/Significant Ecological Area (W/S)	0	136.1	0	178.0
<b>TOTAL</b>		<b>966.6</b>	<b>2,749</b>	<b>966.6</b>

# Proposed Land Use Policy Map



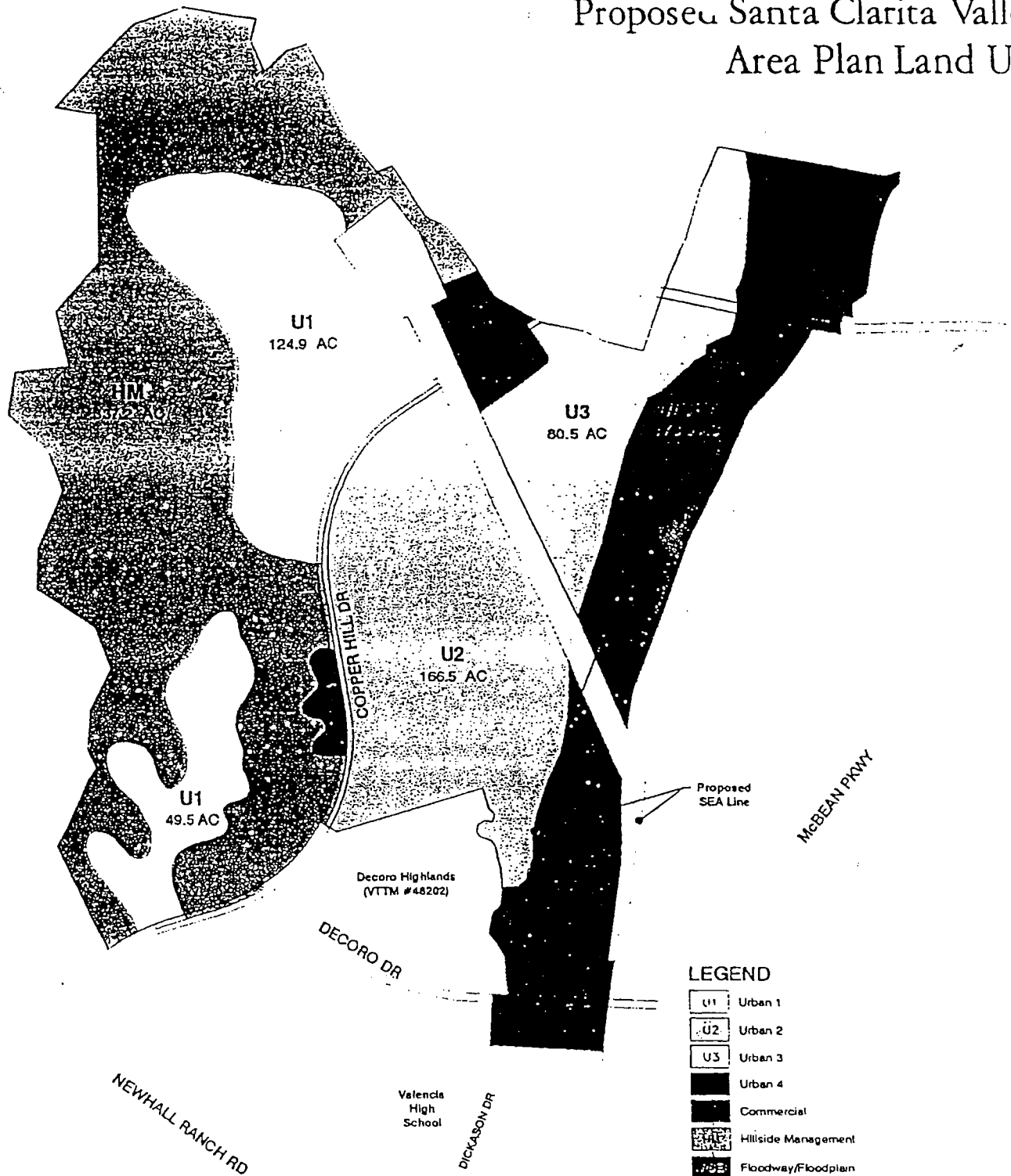
**WEST CREEK**  
VALENCIA MASTER PLAN



6/23/99

**EXHIBIT 4**

# Proposed Santa Clarita Valley Area Plan Land Use

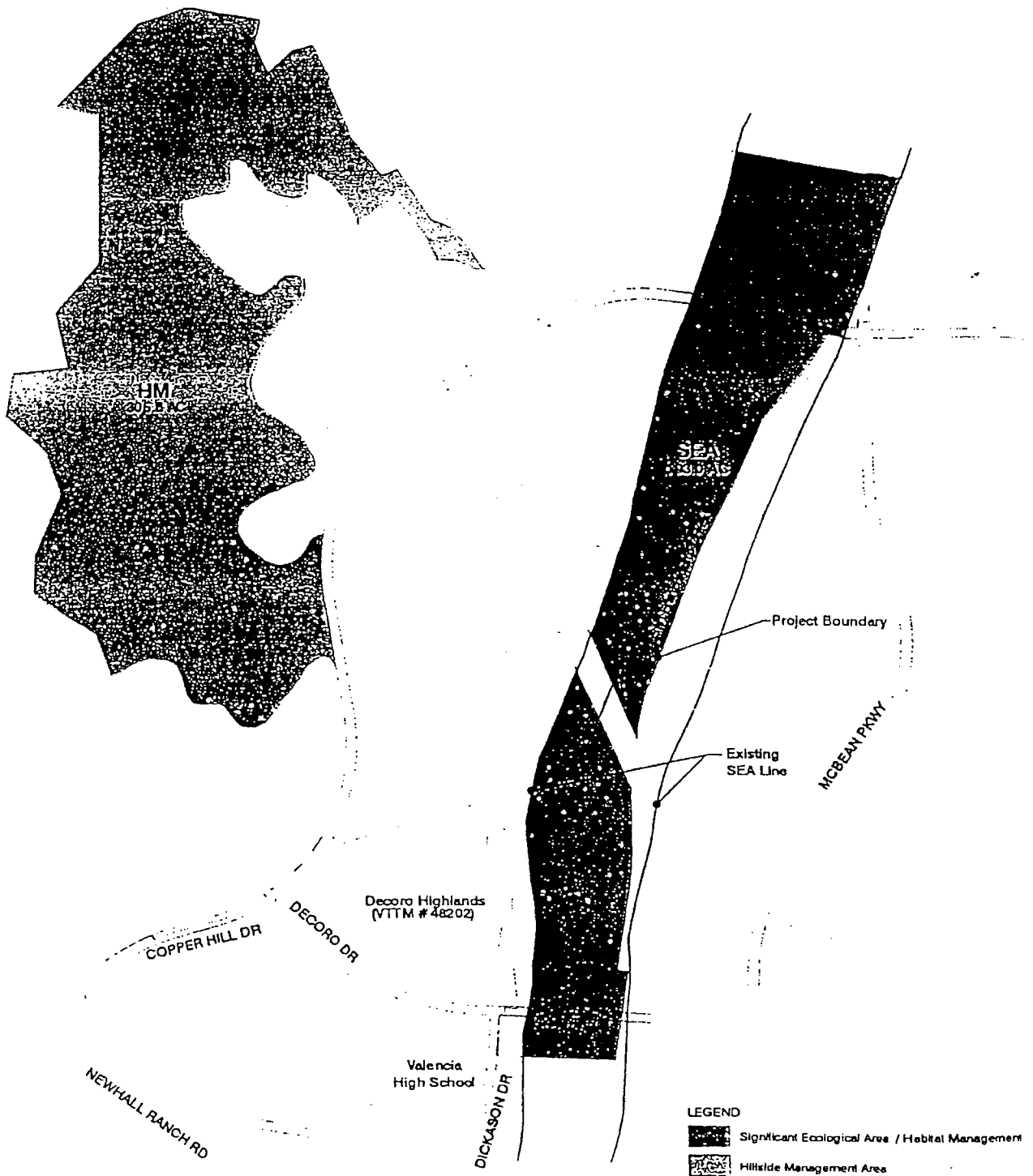


## LEGEND

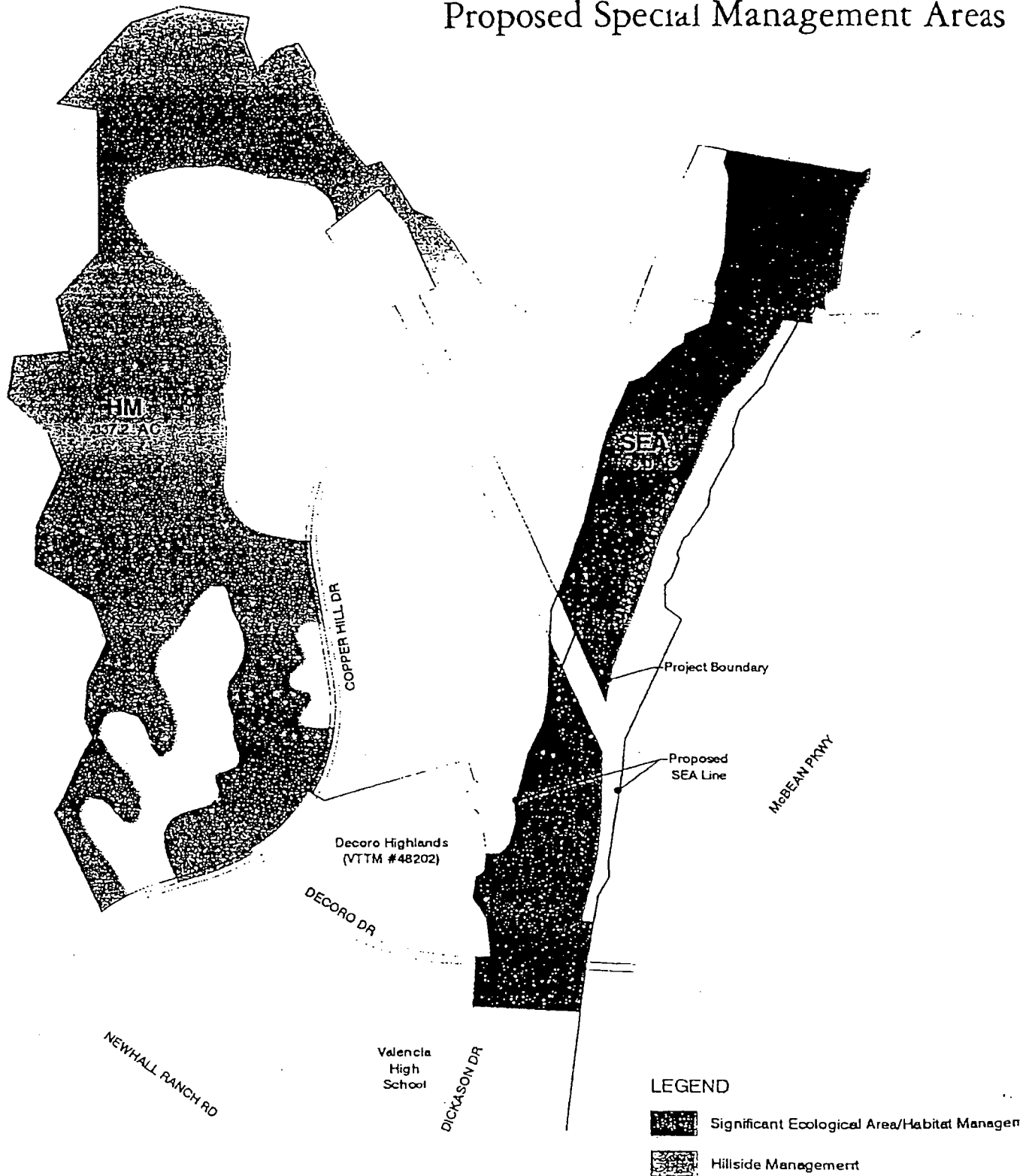
U1	Urban 1
U2	Urban 2
U3	Urban 3
U4	Urban 4
Commercial	Commercial
Hillside Management	Hillside Management
Floodway/Floodplain	Floodway/Floodplain

Note: The SEA Line indicates the proposed SEA Boundary which accurately reflects the natural resources in the area.

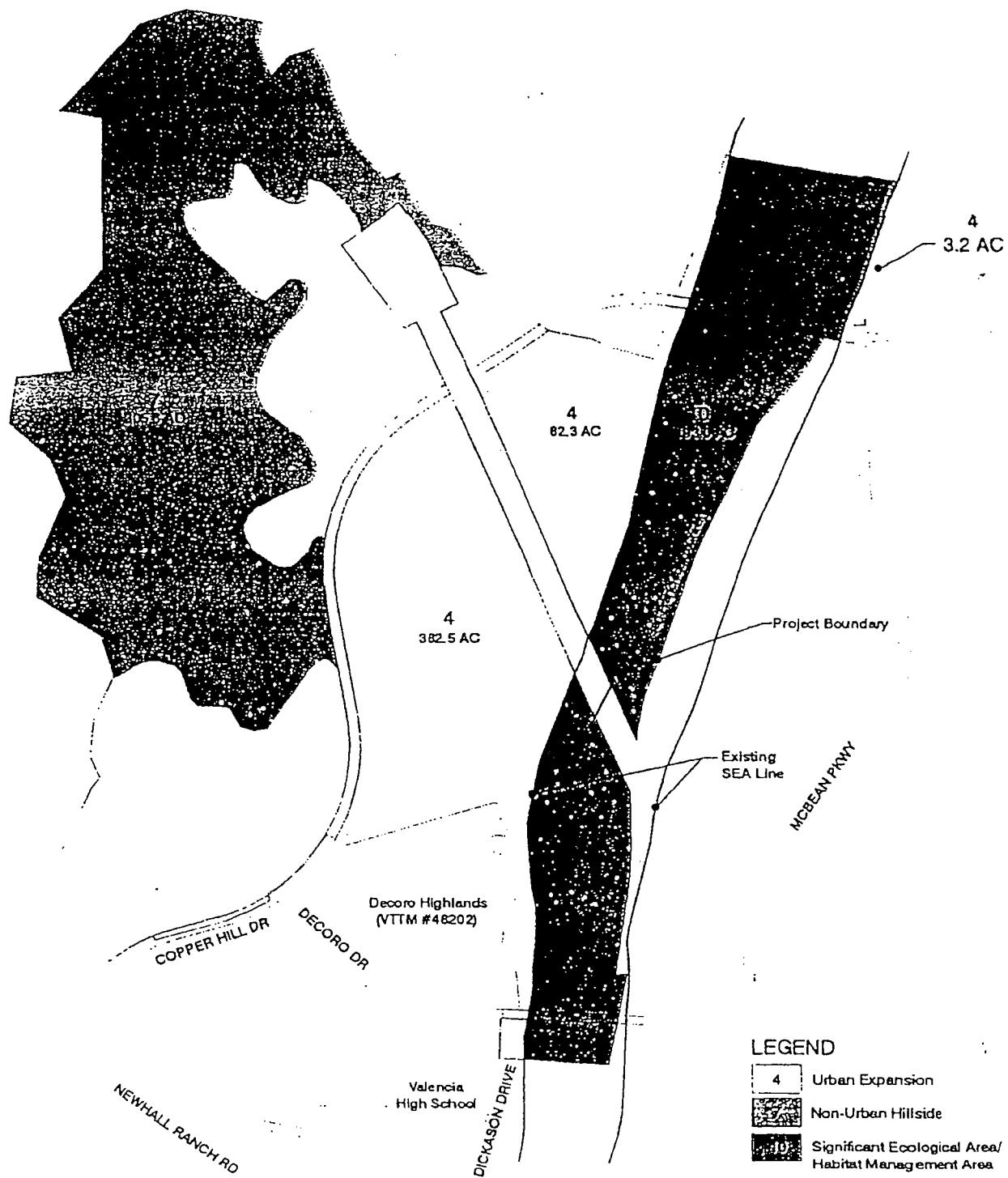
# Existing Special Management Areas



# Proposed Special Management Areas



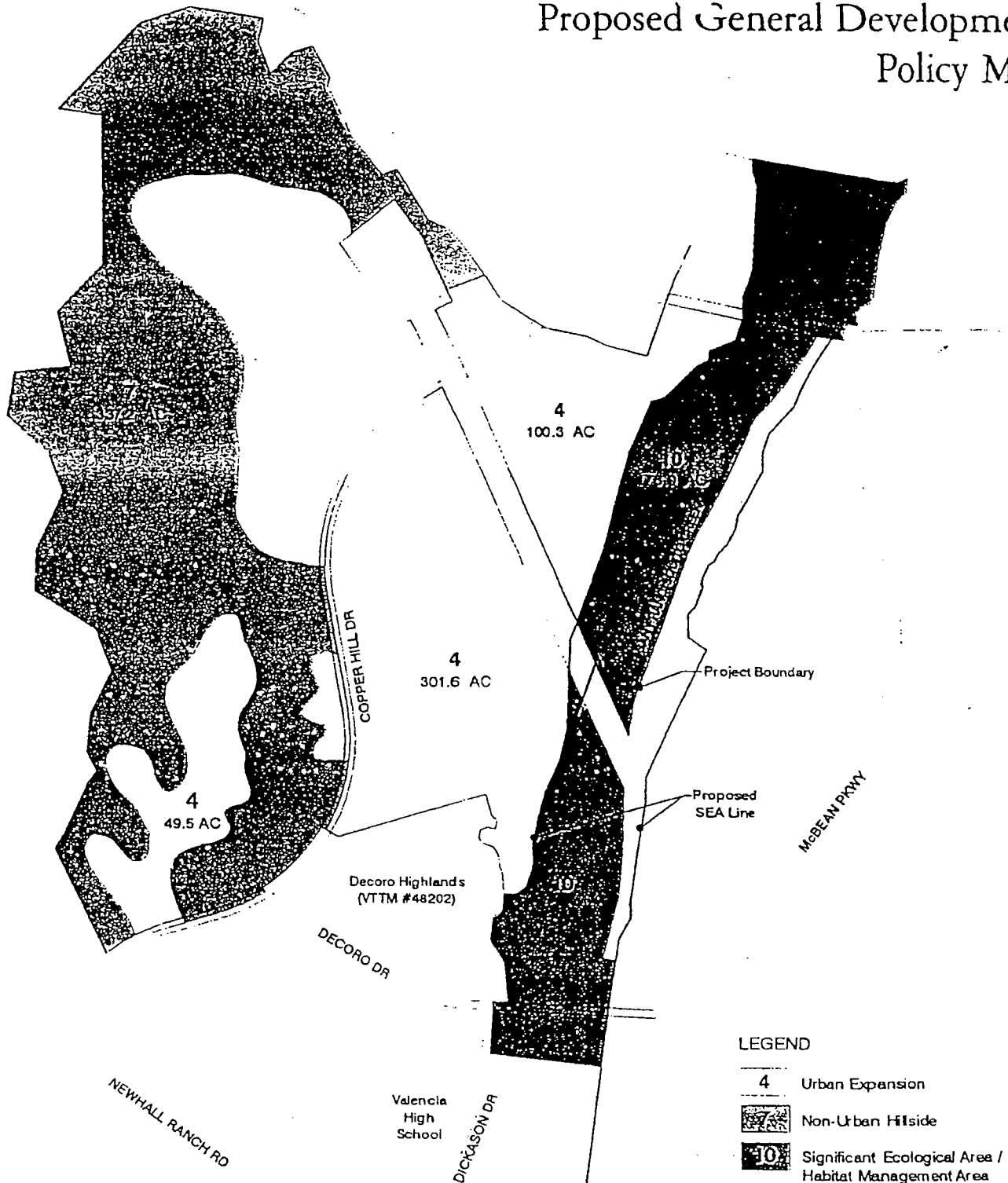
# Existing General Development Policy Map




## LEGEND

- 4 Urban Expansion
- Non-Urban Hillside
- Significant Ecological Area/  
Habitat Management Area

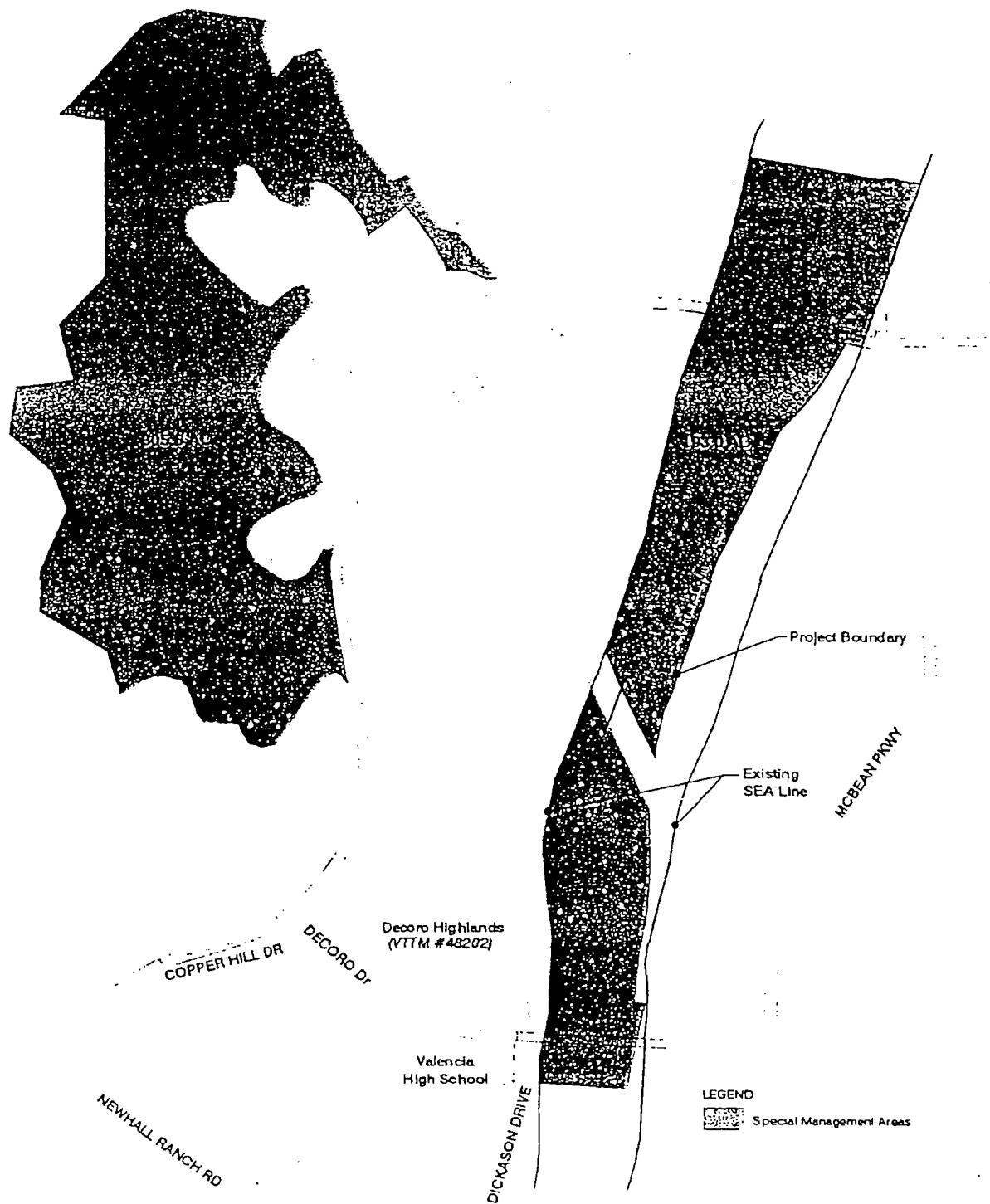
# Proposed General Development Policy Map



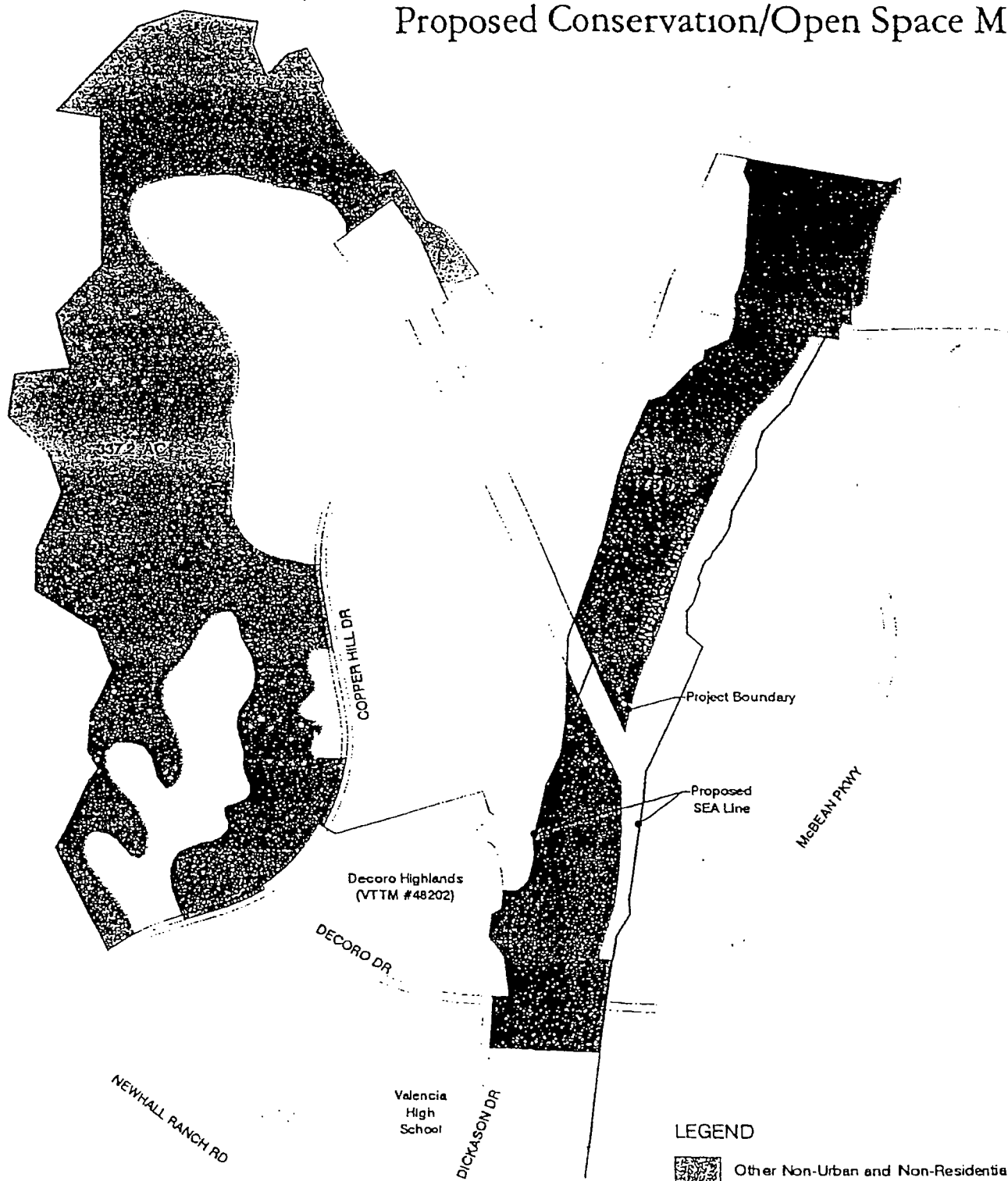
## LEGEND

- 4** Urban Expansion
-  Non-Urban Hillside
- 10** Significant Ecological Area / Habitat Management Area

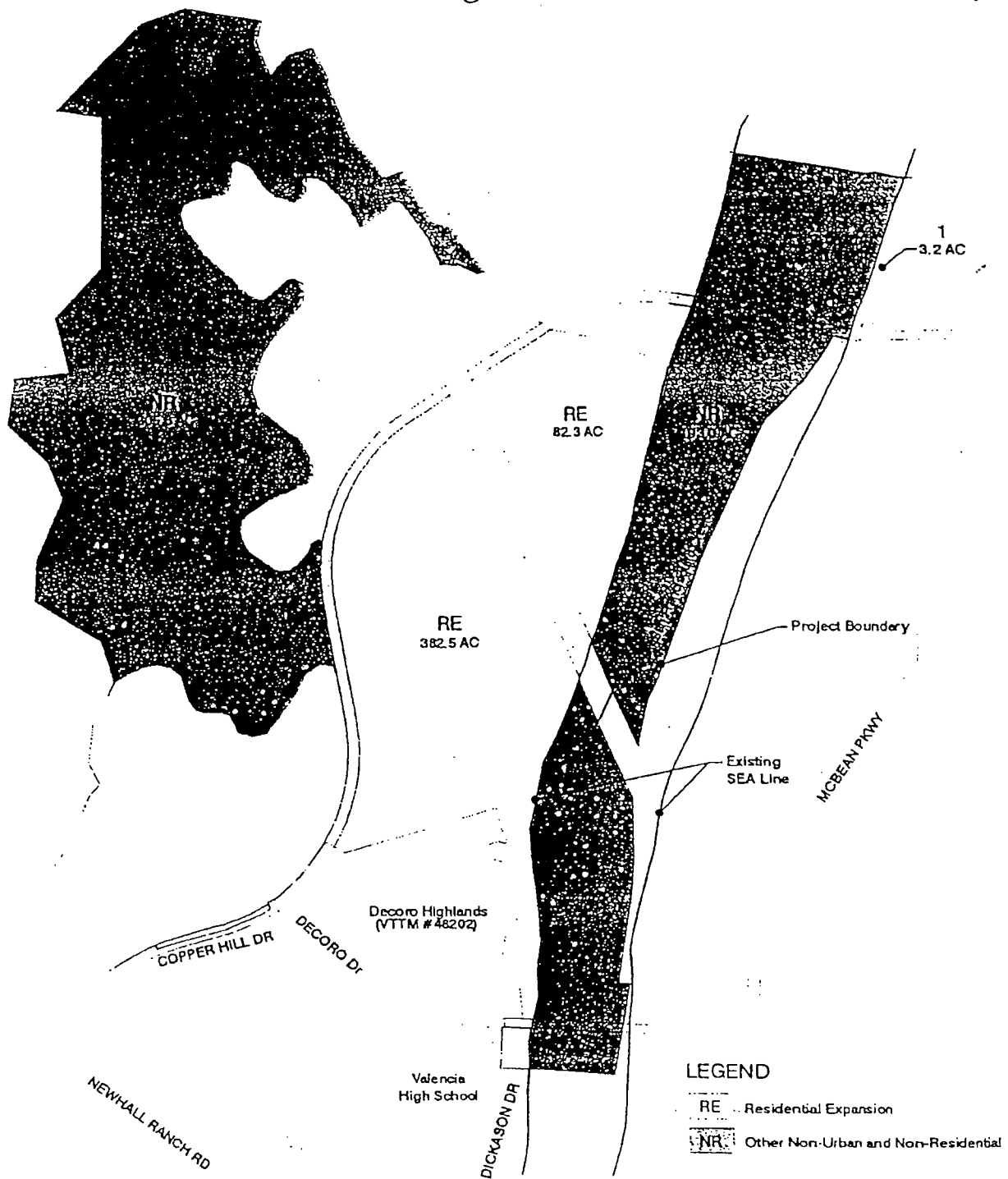
# Existing Conservation/Open Space



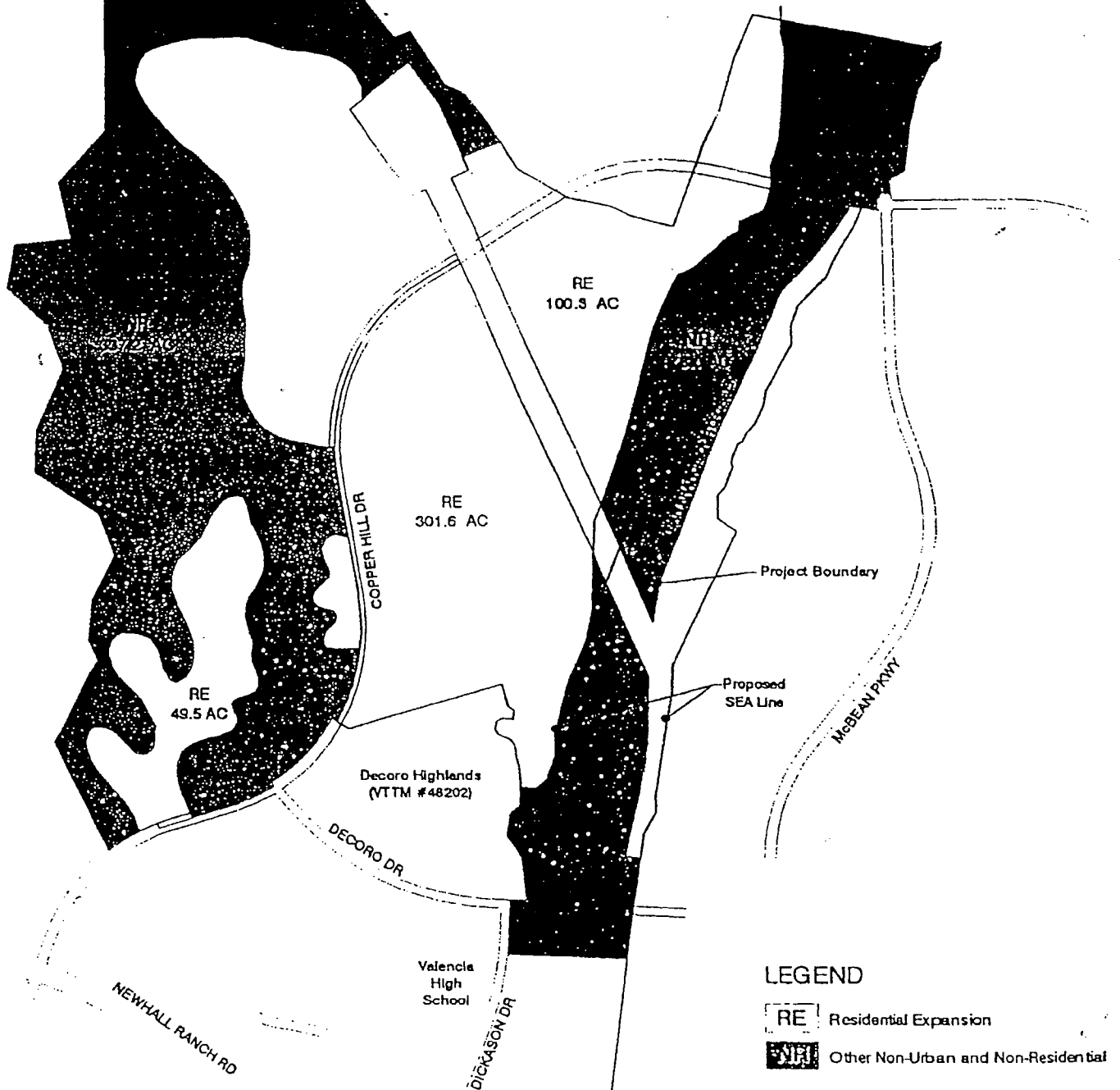
# Proposed Conservation/Open Space Map



# Existing Housing Development & Neighborhood Conservation Policy Map



# Proposed Housing Development & Neighborhood Conservation Policy Map





COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.  
County Counsel

July 20, 2005

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(213) 617-7182  
TDD  
(213) 633-0901

Agenda No. 12  
03/22/05

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NUMBER 98-008-(5)  
OAK TREE PERMIT NUMBER 98-008-(5)  
PARKING PERMIT NUMBER 98-008-(5)  
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permits sought in connection with a proposal to create 1,521 lots, consisting of 1,262 residential lots (for development of a maximum of 2,545 dwelling units); 11 commercial lots; 3 lots for recreation areas; 32 lots for paseos, trails, and bridge crossings; 110 open space lots; and 103 lots containing water tanks, storm water drainage facilities, and private drives, located on approximately 966.6 acres in the Newhall Zoned District. At the conclusion of the hearing, you indicated an intent to reinstate approval of the permits and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration. The findings also address an additional perchlorate issue that arose subsequent to your Board's hearing.

Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By

LAWRENCE L. HAFETZ  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

RAYMOND G. FORTNER, JR.  
County Counsel

LLH:di  
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
CONDITIONAL USE PERMIT NUMBER 98-008-(5)  
OAK TREE PERMIT NUMBER 98-008-(5)  
PARKING PERMIT NUMBER 98-008-(5)**

1. Section 22.56.010, et seq., of the Los Angeles County Code ("County Code") provides for the approval of conditional use permits.
2. The Los Angeles County Regional Planning Commission ("Commission") conducted concurrent public hearings regarding General Plan and Sub-Plan Amendment No. 98-008-(5), Zone Change No. 98-008-(5), Conditional Use Permit No. 98-008-(5), Oak Tree Permit No. 98-008-(5), Parking Permit No. 98-008-(5), and Vesting Tentative Tract Map No. 52455 (collectively, "Project Approvals") on June 16, 1999, August 23, 1999, and October 4, 1999.
3. The Commission approved the conditional use permit on May 24, 2000, after public testimony, the recommendations and testimony of the Los Angeles County Department of Regional Planning ("Department") staff, and the West Creek Environmental Impact Report ("EIR") (SCH No. 1998021052), including the documentation within each file.
4. An appeal to the Los Angeles County Board of Supervisors ("Board") of the decision of the Commission was filed on June 5, 2000.
5. The Board conducted public hearings on the above-referenced Project Approvals on August 22, 2000 and September 26, 2000. The Board duly considered the decision of the Commission, public testimony, the recommendations and testimony of the Department staff, and the West Creek EIR, including the documentation within each department file.
6. On September 26, 2000, the Board certified the adequacy of the West Creek EIR prepared for the project pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, finding that: (1) the EIR had been completed in compliance with CEQA; (2) that the Board had reviewed and considered the information in the EIR prior to approving the project; and (3) the EIR reflected the Board's independent judgment and analysis.
7. On December 19, 2000, the Board: (a) adopted CEQA Findings and a Statement of Overriding Considerations; (b) approved the Mitigation Monitoring Plan; and (c) adopted the Project Approvals.

8. On January 30, 2001, a petition for writ of mandate was filed, challenging the Board' certification of the West Creek EIR and adoption of the Project Approvals ("the West Creek litigation").
9. On January 10, 2002, after a hearing before the Honorable Thomas P. Anderle of the Santa Barbara Superior Court, the trial court issued a Judgment in favor of the County and the project applicant denying the petition for writ of mandate in the West Creek litigation, and petitioners filed an appeal of that Judgment.
10. On February 27, 2003, the Second District Court of Appeal, Division 6, reversed the trial court's Judgment in the West Creek litigation and remanded the matter for further proceedings consistent with its published opinion (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715).
11. In June 2003, after a remand hearing, the trial court issued a new judgment granting a writ of mandate in favor of petitioners and vacating the trial court's prior Judgment filed on January 10, 2002, and the trial court ordered the Department and its Board to vacate and set aside its certification of the West Creek EIR and to take further actions, consistent with the trial court's writ of mandate, CEQA and the views expressed by the Court of Appeal in its published opinion. The trial court also made it clear at the remand hearing that the Project Approvals were suspended pending the County's preparation and certification of the revised environmental documentation for the West Creek project.
12. In or about August 2003, the County caused the West Creek Draft Additional Analysis to be prepared in response to the Court of Appeal and the trial court's writ of mandate. The Draft Additional Analysis serves as the CEQA document required to revise and reassess the original EIR's cumulative impacts analysis for water supply and demand, and any and all analysis in that EIR related to water supply and demand. It also evaluates the availability, reliability and supply estimates for State Water Project ("SWP") water in wet, average and drought years using estimates obtained from the Department of Water Resources, consistent with CEQA, as well as the Court of Appeal decision and trial court's writ.
13. The West Creek Draft Additional Analysis was circulated for review and public comment for the 45-day period required by CEQA, commencing on December 15, 2003 to January 28, 2004. Subsequently, the West Creek Final Additional Analysis was prepared.
14. The Commission held public hearings on the West Creek Draft and Final Additional Analysis on February 4, 2004 and April 14, 2004.

15. On May 12, 2004, the Commission continued the West Creek matter due to the confirmed discovery of the Western Spadefoot Toad on the West Creek project site, which discovery occurred after the County had already circulated for review and public comment the West Creek Draft and Final Additional Analysis.
16. At the direction of County staff, a "Western Spadefoot Toad Analysis," Volume V (June 2004), was prepared as a component of the West Creek Draft Additional Analysis, and the Augmented Environmental Analysis (spadefoot) ("AEA Spadefoot") was circulated for a 45-day review and public comment period commencing from June 28, 2004 to August 11, 2004.
17. On August 11, 2004, the Commission held a public hearing on the adequacy of the AEA Spadefoot.
18. The West Creek Final Additional Analysis, Volumes III and IV (April 2004), and Volume VI (September 2004), was prepared and circulated for public review at the direction of the County to respond to all written and oral comments received on the West Creek Draft Additional Analysis and the AEA Spadefoot.
19. On September 15, 2004, the Commission recommended: (a) certification of the West Creek Final EIR, as revised by the Draft and Final Additional Analysis, including the AEA Spadefoot; and (b) readoption of the Project Approvals, with modifications to the previously adopted water service and environmental findings, as set forth in the Commission's Resolution and related findings.
20. On October 26, 2004, the Board continued the public hearing regarding the West Creek revised environmental documentation and the Project Approvals.
21. On January 25, 2005, the Board held a public hearing regarding the West Creek revised environmental documentation and the Project Approvals, heard public testimony in opposition to and in favor of the project, and closed the public hearing with respect to any further public comments raising environmental issues relating to the West Creek EIR, as revised by the Draft and Final Additional Analysis.
22. On March 22, 2005, after the close of the public hearing, the Board certified the West Creek EIR, as revised by the Draft and Final Additional Analysis, adopted the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (March 2005) and the revised Mitigation Monitoring Plan ("Mitigation Monitoring Program"), and, in doing so, indicated its intent to reinstate and reaffirm the previously adopted Project Approvals, and instructed County Counsel to prepare the necessary resolution, ordinance, findings and conditions of approval.

23. After the Board's certification of the West Creek EIR, as revised by the Draft and Final Additional Analysis on March 22, 2005, and before the Board acted to reinstate and reaffirm the previously adopted Project Approvals, the project applicant advised the Department and its Board that Valencia Water Company, the local retail water purveyor for the West Creek project, had confirmed the detection of perchlorate in Valencia's Well Q2, an Alluvial aquifer municipal-supply well, in connection with regular monitoring of active wells near the former Whittaker-Bermite facility, located in the City of Santa Clarita.
24. In response to that information, the Department caused to be prepared the Supplement to the West Creek EIR and Final Additional Analysis (SCH No. 1998021052) ("Supplement") to document the determinations made by the Department regarding the detection of perchlorate in Valencia's Well Q2.
25. The Department provided notice of availability of the Supplement to all public agencies, organizations and other persons on or about May 18, 2005; the Department caused the Supplement to be circulated for a 45-day public review and comment period, commencing on May 18, 2005 to July 1, 2005; and, thereafter, the Department caused to be prepared written responses to public comments on environmental issues raised in the Supplement.
26. The Department provided public notice of the Board's hearing scheduled for July 26, 2005, to consider the West Creek EIR, as revised by the Final Additional Analysis and Supplement; to decide whether to reinstate and reaffirm the previously approved Project Approvals; and to adopt the necessary resolution, ordinance, findings and conditions of approval relating to the Project Approvals.
27. On July 26, 2005, the Board conducted a public hearing on the West Creek EIR, as revised by the Final Additional Analysis and Supplement, and the Project Approvals.
28. The Board has duly considered the decisions and recommendations of the Commission, the public testimony for and against the West Creek Project, the recommendations and testimony of both the Department and Department of Public Works, and the West Creek EIR, as revised by the Final Additional Analysis, including the AEA Spadefoot, and the Supplement, and the documentation within the files of both departments.
29. The applicant proposes to develop a mixed-use community, consisting of a mix of residential housing types, commercial retail space, a possible school site, recreation and other open spaces, and associated community infrastructure (the "project"). The project consists of 1,248 single-family dwelling units, 968 new condominiums, and 329 apartment units, for a total of 2,545 residential units;

180,000 square feet of neighborhood-serving commercial retail space; a possible elementary school site; an approximate 15.43-acre public park; private recreation areas, open space, associated community facilities, the Decoro Drive Bridge and roadway connectors and roadways on approximately 966.6 acres.

30. The project is located north of the City of Santa Clarita. The project site is bounded generally by the approved, but not yet constructed, Tesoro del Valle project to the north, Valencia High School and Valencia Industrial Center to the south, Lockheed Industrial Park to the west, and San Francisquito Creek to the east.
31. The topography of the site varies from the relatively level area along the San Francisquito Creek at the eastern project boundary to moderate to steep hillsides in the western portions of the site.
32. Much of the site contains Coastal Sage-Chaparral vegetation dominated by Chamise. The flood plain and terraces to San Francisquito Creek along the eastern portion of the property contain mixed vegetation consisting of dense stands of Cottonwood and Willow, sometimes mixed with Giant Reed.
33. The project site is currently undeveloped. On the western portion of the project site are hillsides and ridges, some of which have been modified from grading for fire access roads, installation and maintenance of Southern California Edison transmission line towers, and Metropolitan Water District water lines. The eastern portion of the project site is disturbed due to previous agricultural activities. In addition, Copper Hill Drive crosses through the property.
34. Immediately north of the project site is vacant property proposed for the 1,795-acre mixed-use Tesoro del Valle project. To the west is the 377-acre Lockheed property approved for four million square feet of industrial development by the City of Santa Clarita in 1996. East of San Francisquito creek are the North Valencia project within the City of Santa Clarita and existing residential communities of Northbridge and Northpark. Valencia High School, the Valencia Industrial Center, the future planned community of Decoro South, and the under-construction Decoro Highlands development are located to the south.
35. Vehicular access to the subject property is currently provided from Dickason Drive. The circulation system for the project will complete important segments of the Valencia community roadway system. Copper Hill Drive, a major highway with a 100-foot right-of-way, bisects the project and will provide both regional and on-site local access to the project. The Decoro Drive Bridge, which is a part of the project, is a regionally significant connection that will provide access for existing and planned development across San Francisquito Creek and to

Valencia Industrial Center and Valencia High School. The extension of Decoro Drive, an off-site roadway, conditioned as a part of the development approval for Vesting Tentative Tract Map No. ("VTTM") 48202, as a secondary highway with an 80-foot right-of-way between Dickason Drive and Copper Hill Drive will enhance access to the site from the South.

36. The project has been divided into 4 planning areas: "A," "B," "C," and "D." Residential development is proposed in each planning area as follows:
- Planning Area "A" (255.1 acres) - 373 single-family residences;
  - Planning Area "B" (232.8 acres) - 478 single-family residences;
  - Planning Area "C" (291.7 acres) - 397 single-family residences, 968 new condominiums, and 329 apartment units; and
  - Planning Area "D" (187.0 acres) - No residential units
37. Approximately 49 percent of the proposed residences are detached single-family units. The single-family lots generally range in size from 3,350 square feet to 5,000 square feet with 9 proposed estate lots of 20,000 square feet.
38. Twenty-two individual sub-areas have been delineated within Development Area "C." In this Area, multiple tentative maps have been approved to allow flexibility in the ultimate design of the subdivision. Nine of the 22 sub-areas are proposed for optional designs giving the developer the ability to choose from a range of housing types and densities. These 9 areas are comprised of condominium and lease lots. The type of units permitted as options are the following: Detached units on condominium lots, detached units on condominium lots clustered around a motorcourt area with individual driveway access, detached units on condominium lots with clusters sharing a common access driveway, attached townhouses, and multi-family apartment homes.
39. The combined total number of apartment and condominium units authorized for the preferred projects is 1,297 units, including lots where alternatives have been approved. The construction of higher-density units in one of the sub-areas within which options are allowed will be counterbalanced by a lower-density alternative in another sub-area so that this maximum number is not exceeded.
40. Two neighborhood commercial centers with a combined total of 180,000 square feet of floor space are proposed on 19.2 acres within Area "C." Neighborhood serving retail and service uses are proposed.

41. A public park of 15.43 acres will be provided and dedicated to the Department of Parks and Recreation. An additional 5.4 acres of private recreational facilities located throughout Area "C" and a system of pedestrian paseos throughout the project, and an approximate 2-mile, multi-use trail along San Francisquito Creek in Area "D" are also included.
42. Project-serving facilities include water tanks, a water quality basin and private streets, drives, and alleys.
43. Three new water wells are proposed in San Francisquito Creek.
44. Within Area "B," a site containing an area of approximately 10 acres (Lots 866 through 911) has been identified as a possible elementary school site.
45. Approximately 558 acres, or 58 percent of the site, will be left in substantially undeveloped natural open space. These open space areas include hillsides and ridges, utility easements, natural drainage areas, and the creek trail.
46. The total grading activity associated with the project will involve movement of approximately 8 million cubic yards of earth (cut/fill). The grading would be balanced on-site and would entail mass grading for development areas, fine grading for development pads, remedial grading depending upon future site-specific roads and geologic investigations, and custom grading.
47. Earthwork necessary to construct the Decoro Drive Bridge would involve recompaction of approximately 18,300 cubic yards of cut and 60,900 cubic yards of fill, requiring importation.
48. Much of the grading will involve earth-moving equipment which will simply transport the earth without need for transportation along a transport route (i.e., a public right-of-way) as the term is defined in Title 22 of the County Code.
49. The entire property is currently zoned A-2-5 (Heavy Agriculture). This zone permits agricultural and other rural uses, including residential, with a minimum lot area of 5 acres. Based on the existing zoning, the maximum allowable build-out of the project site would be 193 dwelling units. Surrounding zoning is A-2-5 and Residential Planned Development ("RPD").
50. The subject property is currently depicted within the Low Density Residential, Low/Medium Density Residential, Non-Urban, Major Industrial, and Significant Ecological Area ("SEA") (SEA 19) categories of the Countywide General Plan and within the Urban 1 (1.1 - 3.3 d.u./ac), Urban 2 (3.4-6.6 d.u./ac), Urban 4 (15.0-40 d.u./ac), Commercial, Industrial, Hillside Management, and SEA/ Floodway categories of the Santa Clarita Valley Area Plan. This plan permits a

total of 2,749 dwelling units, 11.2 acres of commercial, and 119.2 acres of industrial development.

51. The Board has concurrently reinstated and reaffirmed General Plan and Sub-Plan Amendment No. 98-008-(5); changing the land use policy maps of the County General Plan and Santa Clarita Valley Areawide Plan to result in the following changes to the existing land use designations of the site:

County General Plan - An increase in the Non-urban category of 31.6 acres, a 4.8-acre increase in the Low Density Residential category, a .07-acre increase in the Low/Medium Density Residential category, a 100.3-acre increase in the Medium Density Residential category, a 15-acre decrease in the Significant Ecological Area category, and the elimination of the 119.2-acre Industrial designation.

Santa Clarita Valley Areawide Plan - A decrease of 32.1 acres in the UI category, an 16.6 acre-decrease in the U2 category, an increase of 80.5 acres in the U3 category, a 5.7-increase in the U4 category, an 8-acre increase in the Commercial category, the elimination of the 119.2 acres designated Industrial, an increase of 31.8 in the Hillside Management category, and a decrease of 15 acres in the SEA category.

This grant will not be effective until the Board has reinstated and reaffirmed the proposed General Plan Amendment.

52. The Board has concurrently reinstated and reaffirmed Zone Change No. 98-008-(5), changing the zoning on the subject property as shown below:

- RPD-5,000-2.0U (residential planned development - 5,000-square-foot minimum lot size - 2.0 dwelling units per acre) on 508 acres;
- RPD-5,000-10.0U (residential planned development - 5,000-square-foot minimum lot size - 10.0 dwelling units per acre) on 122.1 acres;
- RPD-5,000-12.0U (residential planned development - 5,000-square-foot minimum lot size -12.0 dwelling units per acre) on 63.6 acres;
- RPD-5,000-19.0U (residential planned development - 5,000-square-foot minimum - lot size -19.0 dwelling units per acre) on-7.0 acres; and
- RPD-5,000-25.0U (residential planned development - 5,000-square-foot minimum lot size - 25.0 dwelling units per acre) on 12.0 acres;

- RPD-5,000-27.0U (residential planned development - 5,000-square-foot minimum lot size - 27.0 dwelling units per acre) on 11.2 acres;
  - C-2DP (neighborhood business development program) on 20.7 acres;
  - OS (open space) on 222.2 acres.
53. The density within each of the individually-zoned areas will not exceed the maximum number of units indicated by the number preceding the U in the suffix to the zoning symbol. In Development Area "C," where alternative designs are approved, the choice of a higher-density alternative will be balanced with a lower-density alternative to ensure that at no time will the overall density exceed that permitted within the individually-zoned area.
54. Approximately 193 acres of the site are designated by the General Plan as SEA 19. SEA 19 was established to preserve San Francisquito Canyon as a movement corridor and seasonal habitat for the unarmored threespine stickleback, a state and federally listed endangered species. The recommended plan amendment proposes a reconfiguration of the SEA boundaries to reflect identified biological resources, resulting in the removal of 15 acres from the SEA designation.
55. The project design, as modified by this Conditional Use Permit, complies with the standard requirements of the proposed zones.
56. This Conditional Use Permit is required to:
- Allow a residential planned development of 1,248 single-family dwelling units, 968 new condominiums, and 329 apartment units (a maximum of 2,545 units) on the site in accordance with the provisions of the RPD Zone;
  - Allow development of 180,000 square feet of commercial/retail floor area in accordance with the provisions of the Neighborhood Commercial Development Program (C-2-DP) Zone;
  - Approve development in a Hillside Management Area;
  - Approve development of recreational trails, water wells, water conveyance devices, bank stabilization, bridge piers, abutments, western spadefoot toad mitigation pond construction and project-related infrastructure in a Significant Ecological Area; and

- Allow development of other public and private infrastructure (e.g., school, recreation facilities) and grading associated with the project.
57. Vesting Tentative Tract Map No. 52455 has been concurrently reinstated and reaffirmed to allow the property to be subdivided. The findings of the Board relating to that map are incorporated herein by this reference as if set forth in full.
  58. As permitted by the provisions of the Santa Clarita Valley Areawide Plan, whenever flood control measures are provided so as to eliminate the flood hazard to the satisfaction of the Department of Public Works, land use categories adjacent to the Flood Plain Management Area can be extended without the need for a plan amendment. On 41.9 acres of the project site, bank stabilization, approved by Department of Public Works in a drainage concept for VTTM 46029, will eliminate the flood hazard and allow this additional acreage to be incorporated into the adjacent land use categories, resulting in a total of 394 dwelling units. These additional units are included in the maximum total of 2,545 units.
  59. The subject property contains natural slopes of 25 percent or greater. Therefore, a conditional use permit to ensure compliance with hillside management design review criteria is required.
  60. The estimated water demand of the proposed project is 2,194 acre-feet per year ("AFY") in an average year. Project water demand increases in a dry year by approximately 10 percent to a total of 2,413 AFY. To meet this demand, water would be provided to the project by the Valencia Water Company. The project site is located within the Valencia Water Company service area. Water sources expected to be used by Valencia Water Company include a combination of State Water Project ("SWP") water delivered through Castaic Lake Water Agency ("CLWA") and local groundwater supplies from the Alluvial aquifer and the Saugus Formation. A summary of the water supply and demand available for the West Creek project in conjunction with the existing water demand in the Santa Clarita Valley, as well as future cumulative water demand in the Valley under near-term and long-term conditions, has been presented in the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), which is incorporated herein by this reference, as if set forth in full.
  61. Based on the record, sufficient water supplies from SWP can be reliably delivered through CLWA to serve the West Creek project. In addition, the Final Additional Analysis applied State Department of Water Resources ("DWR's") reliability projections to CLWA's SWP Table A amount, and noted that such an amount is affected by, and can be reduced due to, a number of factors, including

hydrologic conditions, the status of SWP facilities' construction, environmental requirements, and evolving policies for the Sacramento-San Joaquin Delta. The Final Additional Analysis also pointed out that SWP supplies vary from year-to-year depending on many identified factors. As a result, CLWA and the retail water purveyors in the Valley have emphasized developing SWP supplies in conjunction with local groundwater and other water supplies in order to meet the Valley's water demand under varying hydrologic conditions (e.g., average year, dry year and critical dry year).

62. In 2002 and 2003, there were adequate and reliable water supplies available in the Santa Clarita Valley to serve the existing population and to also supply water needed for the West Creek project, if implemented at that time.
63. Based on the record, adequate and reliable water supplies exist in the Santa Clarita Valley to serve the West Creek project and the existing and future population during future average, dry and critical-dry years. The Final Additional Analysis used estimates of SWP supplies provided by the State DWR, as directed by the courts in the West Creek litigation. The Final Additional Analysis also calculated and analyzed the difference between SWP entitlements and actual available SWP water supplies, and made it clear that SWP entitlements are not equivalent to actual deliveries of SWP water.
64. CLWA and the local retail water purveyors in the Santa Clarita Valley have the capability to deliver adequate and reliable supplies of water to their customers and their delivery capability is not significantly impacted by the 1997 discovery of ammonium perchlorate in 4 Saugus Formation supply wells and the 2002 discovery of perchlorate in 1 Alluvial aquifer supply well. In making this finding, the Board has considered the updated perchlorate analysis presented in the: (a) West Creek Draft Additional Analysis, Section 4.0; and (b) Final Additional Analysis (including topical responses presenting updated information regarding perchlorate). In addition, the Board has considered: (a) the 2000 Urban Water Management Plan adopted by CLWA and the retail water purveyors in the Santa Clarita Valley (December 2000); (b) the Court of Appeal decision invalidating the 2000 UWMP on perchlorate grounds; and (c) the "Groundwater Perchlorate Contamination Amendment and Other Amendments to the 2000 UWMP" (December 2004), which was prepared in response to the Court of Appeal's decision.
65. The West Creek project's on-site improvements to the water delivery system will be made and no significant impacts to the water delivery system of Valencia Water Company would be created. In addition, CLWA, the wholesale water purveyor to Valencia Water Company maintains sufficient water treatment

capacity to treat the potable water supply that would be needed for the proposed project.

66. The West Creek project is but one of a number of development projects contemplated, pending or approved in the vicinity of the project site. An analysis of the cumulative effects of all anticipated project development shows that sufficient water supplies are available to serve projected growth. Based on the record, because available cumulative water supplies exceed demand, even assuming a "worst case" projection of future growth, cumulative development (including the West Creek project) would not result in significant unavoidable cumulative impacts on Santa Clarita Valley water resources.
67. In order to analyze the cumulative water impacts of the West Creek project in combination with other expected future growth, the amount and location of growth expected to occur in addition to the proposed project was predicted through the use of two separate cumulative development scenarios. The two cumulative development scenarios analyzed in the Final Additional Analysis are referred to as the "SB 610 Water Supply Assessment Scenario" and the "Santa Clarita Valley 2025 Build-Out Scenario."
68. Under the first cumulative scenario analyzed, there will be sufficient water supply available to meet the project's demand in addition to existing and other planned future uses.
69. Under the second "worst case" cumulative scenario analyzed, available cumulative water supplies exceed demand, even assuming a "worst case" projection of future growth (cumulative development, plus the West Creek Project). Because available cumulative water supplies exceed demand, there are no significant unavoidable cumulative impacts on Santa Clarita Valley water resources.
70. In response to comments, the Department updated its General Plan Development Monitoring System ("DMS") water analysis. Based on the updated DMS buildout scenario set forth in the Final Additional Analysis, Volume III (April 2004), Response 6 to the letter from Santa Clarita Organization for Planning the Environment (SCOPE) dated January 27, 2004, there will be sufficient water supplies for the entire demand of the West Creek project and all pending, approved and recorded projects in the DMS. Consequently, no significant cumulative water impacts would occur under the DMS water analysis; and, therefore, the West Creek project is consistent with the DMS policies as they relate to water supplies.

71. The project conditions provide that no grading (including brush clearance activities, bulk grading, rough grading, or fine grading) shall occur in planning Areas A and B until the water agency providing retail water service to the site has annexed the site into its service area and issued a "will serve" letter certifying that it will provide water to the site and has sufficient water capacity to do so. This project condition shall not apply to grading required for the construction of, and access to, any school, trail, water tank, bank stabilization, or utility, or to the Decoro Drive Bridge and roadways connecting to adjacent approved tract maps.
72. The low-density threshold for the non-urban portion of the site is 29 dwelling units. A maximum of 207 dwelling units will be allowed within the non-urban area following adoption of the proposed general plan amendment. The proposed 249 units in the non-urban area include 42 transferred from the urban area. The transfer to the non-urban area protects the topographic features of the canyon area located in the southwestern portion of Area "A" and allows preservation of hillsides in the southern portion of Area "C." Such transfer is therefore consistent with the policies set forth in the Countywide General Plan and the Santa Clarita Valley Area Plan with respect to such transfers of density.
73. It is the intent of the Hillside Management Conditional Use Permit to protect the resources in the hillside management areas as specified in the County General Plan from incompatible development, which may result in or have the potential for environmental degradation and/or destruction of life and property. It is not the purpose to preclude development within these areas but to ensure, to the extent possible, that such development maintains, and where possible, enhances, the natural topography, resources, and amenities of the hillside management areas while allowing for limited controlled development therein.
74. The project and the provisions for its design and improvements are consistent with the goals and policies of the General Plan and is in substantial compliance with the general conditions and has met the burden of proof for issuance of a conditional use permit as set forth in Title 22 of the County Code.
75. The project accommodates projected land use and urban growth by promoting a balanced community with a full range of services and wide variety of housing and phasing development to assure the availability of adequate infrastructure. The project contains a wide variety of housing types to address the housing needs of a wide segment of the community including apartments, cluster homes, detached single-family homes, and estate lots. The project is located near employment centers and shopping and community facilities and also includes commercial uses to provide neighborhood-supporting goods and services. Moreover, the project will be phased to allow construction of infrastructure necessary to support

the demands of the project, including the provision of water, sanitary sewer drainage, and recreational and other supporting facilities.

76. The project is located immediately adjacent to existing and planned urban development and is an extension of the existing development pattern in the Santa Clarita Valley. The land is also planned for urban development in the General Plan. Moreover, the project has been designed to cluster development in the more gentle slopes and relatively flat portions of the project site, while avoiding the more rugged terrain, and preserving the more prominent hillsides and ridgelines on the property. The project also provides for the construction of Decoro Bridge, a planned circulation improvement identified in the Los Angeles County Master Plan of Highways.
77. The proposed project demonstrates creative and imaginative design through its use of clustering, paseos, and other circulation elements, and considerations given to size, scale, and bulk, resulting in a visual quality that will complement community character and benefit current and future community residents.
78. The project will include an extensive pedestrian and bicycle network that will provide project residents and employees with a combination of transportation modes. The paseos provide linkages to important community and commercial elements on-site, as well as destinations off-site.
79. The project design incorporates means that will ensure compatibility with adjacent land uses. Landscaped buffers and walls are planned along primary roadways to minimize traffic noise and visual intrusions. The grading concept terraces development in hillside areas in a "stair step" fashion to provide open space between most residential uses and the circulation network. Commercial areas are located along primary collector roadways and are generally separated from residential uses. Development setbacks are also incorporated to separate residential and commercial uses from natural resources.
80. The project includes all necessary municipal services to serve residents and businesses within the project. These services can be provided without imposing undue costs on the total community, in a manner consistent with the goals and objectives of the General Plan. The project funds the cost of all infrastructure demand. Residents and businesses of the project will generate revenue in the form of sales taxes, property taxes, fees, etc., which will be available to the County to fund public services on the site, such as fire and police services, flood control, library services, street maintenance, and wastewater treatment. Revenues for capital improvements would also be generated by the project directly through various forms of development fees, including, but not limited to, fire facilities fees, wastewater connection fees, and school fees.

81. The project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, or erosion hazard. The project is located and designed so as to avoid or minimize hillside development and mitigated to lessen those impacts as well as the impacts to the presence of geologic or seismic hazards. Potential landslide and other unstable areas will be over-excavated, recompact, or avoided. The residential and commercial component of the project will not encroach into the flood plain management area, and the development potential is transferred into the interior of the project site. In addition, a storm water drainage system has been designed to convey storm water runoff in a safe manner.
82. The proposed project is compatible with the biotic, cultural and scenic resources of the area. The project site, including its inherent biological characteristics and resources, and its proposed development were reviewed by the County's Significant Ecological Area Technical Advisory Committee ("SEATAC") through various reports prepared by the applicant's consultants as required by the County Code for areas designated as SEAs. SEATAC's findings, with respect to the above, were recorded in the minutes of its meetings, and comments were provided to the Commission and included in the environmental documentation for the project. Many of SEATAC's recommendations were incorporated in the project design throughout the processing of this permit in order to ensure compatibility with biotic resources and to minimize and mitigate development in significant ecological areas. The project design incorporates an upland buffer in which vegetation will be restored and enhanced in a manner that includes removal of non-native species. Non-native plant species will be removed in riparian areas as part of a revegetation plan. Further, the proposed project was designed and located in a manner to protect cultural and scenic resources. Moreover, measures will be taken to minimize any effect the project may have on the Unarmored Threespine Stickleback ("UTS"), including the ability of the fish to migrate along San Francisquito Creek. Areas in which flow velocities in the creek may increase as a result of the project and associated improvements are limited to small areas surrounding the Decoro Bridge abutments. With the exception of the bridge abutments and trails, there will be no structures in the 100-year flood plain of the creek. Additionally, the number of times that the complex variety of factors, including flow velocity, season, duration and location of inhibiting flows, and fish movement, that would have to coincide in order to inhibit UTS movement upstream, is expected to be low. Construction and permanent erosion control measures will prevent degradation of San Francisquito Creek. Other design elements of the project will also prevent degradation and intensification of runoff into the creek.

83. The project sets aside appropriate and sufficient undisturbed areas to protect biotic resources within the SEA. One hundred ninety acres of land in the SEA are within the project area and 178 of those acres will remain undisturbed. The reduction occurs mostly on land that has been subject to historic agricultural activity. Improvements within the SEA are essentially limited to passive recreational and public or semi-public uses essential to the public health, safety, and welfare. Moreover, the project is designed to maintain bodies of water, watercourses, and their tributaries in a natural state, along with wildlife movement corridors.
84. The improvements within the SEA are designed in a manner to protect, preserve, and enhance significant ecological resources, and to maintain bodies of water, watercourses, and their tributaries in a natural state, along with wildlife movement corridors. Decoro Bridge has been designed to minimize creek bed disturbance while satisfying the structural requirements of construction, resulting in bridge abutments being pulled as far back as practicable to avoid impacts to the SEA. After construction, the creek bed will be returned to its natural state with the exception of concrete supports and the bridge abutments. Riparian vegetation will be replaced and enhanced, and may include removal of invasive non-native species that decrease the biological value of existing habitat.
85. The project retains sufficient natural vegetative cover and/or open space through the use of development setbacks to buffer critical natural resources from the project's uses. Where necessary, fences or walls are also provided to buffer important habitat from development. Roads and utilities serving the development are located and designed so as not to conflict with critical resources, habitat area or migratory paths.
86. In addition to protection of the SEA, the proposed project minimizes development in other sensitive areas and areas subject to natural hazards through design that preserves the dominant features and slopes of the property, while clustering development on the flatter portions of the project site.
87. The western spadefoot toad was discovered on the West Creek site after the County already circulated for review and public comment the West Creek Draft Additional Analysis, which addressed the water supply and demand issues associated with the West Creek project in response to the court decision in the West Creek litigation. The California Department of Fish and Game and U.S. Fish and Wildlife Service designate the western spadefoot toad as a special status species. As a result, the County's Department directed preparation of the AEA Spadefoot to address the environmental effects associated with the confirmed discovery of the western spadefoot toad on the West Creek project site. The original West Creek EIR, at pages 4.3-62 through 4.3-63, contained

mitigation measures relating to special-status wildlife species (see, Mitigation Measures 4.3-5 through 4.3-8). In addition to those mitigation measures, the AEA Spadefoot identified two additional measures to mitigate impacts to the western spadefoot toad (see, Mitigation Measures 4.3-9 and 4.3-10).

88. The Board has thoroughly reviewed the AEA Spadefoot. The AEA Spadefoot is a component of the West Creek Draft Additional Analysis, and was circulated for public review and comment for the required 45-day period. Based on the Board's review of the AEA Spadefoot, along with the public comments, responses to those comments and the mitigation measures for the spadefoot, the Board concurs with the EIR findings that potential impacts to western spadefoot toad are not considered significant after mitigation under the circumstances presented by this project. The circumstances rendering impacts to western spadefoot less than significant after mitigation consist primarily of the fact that: (a) the western spadefoot was found in artificial man-made retention basins, not natural habitat or disturbed natural habitat; (b) the spadefoot in all likelihood relocated to those retention basins as "opportunists" from nearby existing undisturbed habitats; (c) the spadefoot likely relocated from off-site areas to the retention basins, because the spadefoot, if it occupied development Area "C," likely could not have survived the grading and recompaction operations that occurred in that area; and (d) the retention basins were constructed to "catch" run-off from adjacent areas and, as constructed, they contain too much water to allow the spadefoot to persist in those basins due to the high potential for predators to develop in those basins; as such, these basins are not considered suitable habitat for the spadefoot. Accordingly, the Board finds that the project remains consistent with the environmental portion of the DMS and that the project remains compatible with the biotic resources within the SEA.
89. The proposed project has the necessary provision for open space areas in that 558 acres will remain undeveloped, including the significant ecological area.
90. Most of the proposed project site will have permeable surfaces in the form of permanent undeveloped open space and landscaped setbacks and parkways. This will allow for groundwater recharge. Water that does not percolate on the project site will remain available for recharge through the highly permeable streambeds. The net result of the project will thus be a minimal impact on groundwater recharge.
91. The proposed project will not be detrimental to public health and safety, design, and/or environmental considerations. The project's location, size, design, and operating characteristics take into consideration the desire to achieve harmony in scale, bulk, coverage and density; the availability of public utilities, services and facilities; the generation of traffic and the capacity and physical character of

surrounding and proposed streets; and the suitability of the site for the type and intensity of use or development which is proposed.

92. The approval of proposed dwelling units for the proposed project in urban hillsides is allowed since the proposed conditions of approval adequately mitigate problems of public safety, design, and environmental considerations as provided in the General Plan.
93. Additionally, the project meets the hillside criteria established in section DLD of the County General Plan, as follows:
- D.1 With conditions recommended by the various County department staff, the relevant tentative tract map will meet all applicable County and state subdivision requirements.
  - D.2 Engineering solutions to mitigate hillside hazards have been reviewed by the Departments of Public Works and Department and have been found to be appropriate as they relate to landslides, flooding, erosion, and visual impacts. Furthermore, the conditions of approval mandate the implementation of various design criteria to ensure that compliance will be achieved with respect to the aforementioned issues.
  - D.3 Grading of slopes has been preliminarily approved by the Department of Public Works in its review of the related tentative tract map. Final detailed grading plans will be submitted to the Department for approval before any grading of the site commences. The Fire Department and Department have recommended conditions including the irrigation of common landscape areas, brush clearance, and the approval of a landscape plan that will ensure that fire safety is optimized, and those conditions have been incorporated into the conditions of approval.
  - D.4 There are no significant views from existing residential areas that are affected by the project. The nearest existing residential neighborhood is located approximately 0.25 mile east of San Francisquito Creek, over 2,000 feet from the project site.
  - D.4a There are 18 oak trees located on the project site which are of sufficient size to qualify for an oak tree survey, one of which is classified as a "Heritage Oak." Oak trees to be removed as a result of grading necessary to prepare the project site for development will be subject to the conditions of Oak Tree Permit No. 98-008-(5).
  - D.4b The Departments of Public Works and Department have recommended that graded slopes be landscaped and that such

landscaping be maintained throughout the life of the project. These mitigation measures have been adopted as conditions of vesting tentative tract map.

- D.4c Landform (contoured) grading will be implemented wherever possible in the intervening open space between development areas.
94. The subject property lies within an urban expansion area and is in compliance with the Department's DMS. The project is consistent with the infrastructure portion (Urban Services Analysis) of the DMS since there is or will be adequate water service, sewage discharge capacity, schools, libraries, and fire service. These services were evaluated as part of the environmental analysis and the resultant revised environmental documentation. Cumulative impacts on schools were identified during processing. The permittee has agreed to participate in school financing, thus providing the necessary mitigation measures to reduce impacts on schools. Appropriate fees will be paid for capital library costs to ensure sufficient increased capacity to serve the project's demands.
95. The project is consistent with the access portion of the DMS since there is adequate road service and commercial and employment facilities are located in close proximity. The road service was evaluated as part of the environmental analysis and the resultant environmental document. The proximity to commercial and employment facilities was evaluated as part of the field investigation and/or general plan evaluation and as part of the environmental analysis and the resultant revised environmental documentation.
96. The project is consistent with the environmental portion of the DMS since there is no significant geotechnical, flood hazard, fire or natural resource impacts, and the project does not affect publicly-held or privately-dedicated open space, as shown in the County General Plan. These resources/hazards were evaluated as part of the West Creek EIR, as revised.
97. The project, in summary:
- a. Avoids premature conversion of undeveloped land to urban use because it is proximate to and a natural extension of existing development;
  - b. Promotes a distribution of population consistent with service system capacity, resource availability, environmental limitations, and accessibility;
  - c. Directs urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as flood prone areas, active fault zones, steep hillsides, landslide areas, and fire hazard areas;

- d. Encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land;
  - e. Ensures that new development in urban expansion areas will occur in a manner consistent with stated plan policies and will pay for the marginal public costs that it generates;
  - f. Focuses intensive urban uses in an inter-dependent system of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities; and
  - g. Provides for higher densities of housing to meet increasing demand in areas which will have relatively lesser environmental consequences.
98. The project site is physically suitable for the type of development and the density being proposed, since the property has adequate building sites to be developed in accordance with the Grading Ordinance, has access to a County-maintained street, shall be served by sanitary sewers, shall be provided with water supplies and distribution facilities with sufficient capacity to meet anticipated domestic and fire protection needs, and shall have flood hazards and geologic hazards mitigated in accordance with the requirements of the Department of Public Works.
99. The access to this project is adequate for the needs of the future residents and for the deployment of fire fighting and other emergency equipment in emergency situations.
100. A traffic study analyzing the potential traffic impacts of this project was prepared by the permittee and reviewed and approved by the Department of Public Works. mitigation measures to reduce to insignificance or offset adverse impacts are incorporated into the conditions of approval for this project.
101. The necessary drainage improvements for soil erosion control will be designed in accordance with the standards of the Department of Public Works. As required by the Final Environmental Impact Report for the project, the permittee will prepare and implement drainage and erosion control plans approved by the Department of Public Works prior to the issuance of grading permits, and such plans will comply with the requirements of the drainage concept and subsequent amendments approved by the Department of Public Works for the related tentative tract map on February 24, 1999.
102. Reinstatement of this Conditional Use Permit is conditioned on the permittee's compliance with the attached conditions of approval and the conditions of

approval for Oak Tree Permit No. 98-008-(5), Parking Permit No. 98-008-(5), and Vesting Tentative Tract Map No. 52455. Additionally, the mitigation measures contained in the revised West Creek environmental documentation, adopted by the Board on July 26, 2005, are incorporated into the conditions of approval for this permit.

103. The permittee proposes the removal of 13 oak trees and the possible encroachment into the protected zones of 3 additional oak trees. The Oak Tree Survey prepared for the Project by James Henrickson, Ph.D., of Independent Environmental Consultants, identifies and evaluates a total of 18 mature oak trees on the Project site having a single trunk with a circumference of 25 inches or more, or with 2 trunks that total at least 38 inches in circumference at 4.5 feet above the ground. Of the 18 oak trees identified, 8 are Valley or Lobed oaks, 3 are Coastal Live oaks and 7 are Scrub oaks. Among the mature Valley oaks is 1 Heritage oak; (Heritage oak trees are those with trunk diameters greater than 36 inches, measured 4.5 feet above the ground).
104. The Forester and Fire Warden reviewed the oak tree report and authorized the removal of 13 trees, provided replacement trees are planted on a 2:1 basis. This grant also allows encroachment within the protected zone of 3 oak trees.
105. The removal of the 13 oak trees and encroachment into the protected zone of 3 other oak trees is necessary to allow for the construction of proposed streets, building pads, and other related improvements.
106. The proposed construction or use will be accomplished without endangering the health of the remaining trees on the property.
107. The necessary drainage improvements for soil erosion control will be designed in accordance with the standards of the Department of Public Works as conditioned for tract map approval.
108. A condition of this grant is for the applicant to comply with all general and special mitigation measures outlined in an Oak Tree Survey of the West Creek site, James Henrickson, Ph.D., (February 28, 1998) attached as Appendix 4.3(e) to the West Creek EIR.
109. Parking Permit No. 98-008-(5) is required to allow off-site reciprocal parking on the Metropolitan Water District property, adjacent to the 9-acre commercial site.
110. The parking to be provided off-site is beyond that required by the provisions of Title 22. The additional parking will be provided as a convenience to users of the commercial site.

111. The West Creek EIR (SCH No. 1998021052) was certified by the Board on September 26, 2000. The West Creek Final EIR consists of both the Draft EIR, Volumes I-III, dated April 1999 (including technical appendices); and the Final EIR, Volume I (April 2000) and Volume II (September 2000) (including comments and responses) (collectively, "West Creek Final EIR"). Thereafter, the West Creek Final EIR was revised by: (a) the West Creek Draft Additional Analysis, Volumes I-II (December 2003); (b) the West Creek Final Additional Analysis, Volumes III-IV (April 2004); (c) the Augmented Environmental Analysis (spadefoot), Volume V (June 2004); (d) the Final Additional Analysis, Volume VI (September 2004); (e) the Final Additional Analysis, Volume VII (March 2005); and (f) the Revised Additional Analysis, Volume VIII (April 2005) (collectively, "Final Additional Analysis").
112. After the Board's certification of the West Creek Final EIR and Final Additional Analysis, the Department caused the Supplement to be prepared to address the Department's determinations regarding the detection of perchlorate in Valencia's Well Q2.
113. The West Creek Final EIR, as revised by the Final Additional Analysis and the Supplement, describes the West Creek project, documents the project's environmental impacts and identifies mitigation measures that will be implemented as part of the project. As stated in the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), the West Creek project will result in significant unavoidable direct and cumulative impacts on air quality during both construction and operation phases of the project, biotic resources, visual qualities, solid waste disposal and agricultural resources. Such impacts have been reduced to the extent feasible and the Board finds that the benefits of the West Creek project outweigh these significant unavoidable impacts. Such unavoidable impacts have been determined to be acceptable based on the overriding considerations set forth in the readopted Statement of Overriding Considerations for the project.
114. The revised Mitigation Monitoring Program prepared in conjunction with the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement, identifies in detail the manner in which compliance with the measures adopted to avoid or mitigate the potential significant impacts of the project is ensured. The revised Mitigation Monitoring Program, which is attached as Exhibit "A" to the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), is incorporated herein by this reference, as if set forth in full. The revised Mitigation Monitoring Program includes additional mitigation measures relating to impacts on the western spadefoot toad within a portion of the project's SEA area. Those mitigation

measures shall be implemented, pursuant to this Conditional Use Permit No. 98-008-(5).

115. The revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005) is incorporated herein by this reference, as if set forth in full.
116. The custodian of the documents constituting the West Creek record of proceedings, upon which the Board's decision is based in this matter is the Clerk of the Board, the Department and the Department of Public Works, and the County's environmental consultant for this project, Impact Sciences, Inc.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:**

- A. Reinstating and reaffirming this Conditional Use Permit with the attached conditions and restrictions will be consistent with the adopted General Plan for the area;
- B. The requested use at the location proposed will not adversely affect the health, peace, comfort, or welfare and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in the ordinance, or as otherwise required in order to integrate said uses with the uses in the surrounding areas;
- D. The proposed site is, or will be, adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required;
- E. The proposed project is located and designed so as to protect the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard. Each of these factors has been considered in the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement, and with the required mitigation measures, the potential impacts will be reduced to a level of insignificance;

- F. The proposed project is compatible with the natural, biotic, cultural, scenic, and open space resources of the area;
- G. The proposed project is or will be conveniently served by the neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan;
- H. The proposed project demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents;
- I. The proposed project is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas;
- J. The proposed development is designed to maintain water bodies, watercourses, and their tributaries in a natural state;
- K. The proposed development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state;
- L. The proposed development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from the development;
- M. Where necessary, fences or walls are provided to buffer important habitat areas from the proposed development;
- N. The roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas, or migratory paths;
- O. The proposed development in the Residential Planned Development zoned portions of the subject property provides as well or better for light and air, for public safety and convenience, the protection of property values, and the preservation of the general welfare of the community than had the property been developed in accordance with section 22.20.460A of the County Code;
- P. The proposed development plan for the portions of the property with the Development Program (DP) zoning designation provides necessary safeguards to ensure completion of the proposed development by the permittee forestalling substitution of a lesser type of development contrary to the public convenience, welfare, or development needs of the area;

- Q. There will be no need for the required number of parking spaces because sufficient land area is reserved or an alternative arrangement is approved to ensure that parking requirements may be complied with;
- R. There will be no conflicts arising from special parking arrangements allowing shared facilities because users sharing parking facilities will not compete for parking spaces during the same times of the day or days of the week;
- S. Off-site facilities will provide the required parking for the proposed uses because such off-site facilities are controlled through ownership, leasing, or other arrangement by the owners of the proposed use for which the site serves and are conveniently accessible to the main use;
- T. The requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property;
- U. That removal of 13 oak trees is necessary for development reasons as continued existence of the trees at their present location frustrates the planned improvements or proposed use of the subject property;
- V. That the possible encroachment upon the protected zone of 3 other oak trees is necessary since they are within the path of alignment of certain improvements proposed for the development of the project;
- W. That alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive;
- X. That the removal of 13 oak trees and possible encroachment upon the protected zone of 3 oak trees will not result in soil erosion through the diversion of increased flow of surface water which cannot be satisfactorily mitigated; and
- Y. That the removal of the oak trees and encroachment into the protected zone of other oak trees will not be contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.

**THEREFORE, THE BOARD OF SUPERVISORS:**

- A. Approves the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), prepared for the West Creek project and certifies that it has reviewed and considered the information contained in that documentation;

- B. Certifies that the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), is adequate, complete and in compliance with CEQA, the CEQA Guidelines, the County CEQA Guidelines, the Court of Appeal's published decision and the subsequent trial court writ of mandate in the West Creek litigation, and finds that the West Creek revised environmental documentation reflects the independent judgment of the Board;
- C. Determines that the mitigation measures discussed in the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), and the conditions of approval reflected in the West Creek Project Approvals, are the only feasible mitigation measures for the project;
- D. Adopts the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), including the attached Mitigation Monitoring Program, and finds that, pursuant to section 21081.6 of the Public Resources Code, the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation; and
- E. Reinstates and reaffirms previously adopted Conditional Use Permit No. 98-008-(5), Oak Tree Permit No. 98-008-(5), and Parking Permit No. 98-008-(5), subject to the attached conditions.

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NUMBER 98-008-(5)**

**GENERAL CONDITIONS** (These conditions apply throughout the entire project unless otherwise specified.)

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective until:
  - a. The permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Los Angeles County Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant;
  - b. The Los Angeles County Board of Supervisors ("Board") has adopted Sub-Plan Amendment No. 98-008-(5); and
  - c. An ordinance changing the zoning of the property from A-2-5 to RPD-5,000-2U, RPD-5,000-10U, RPD-5,000-12U, RPD-5,000-19U, RPD-5,000-25U, RPD-5,000-27U, C-2-DP, and OS as recommended in Zone Change No. 98-008-(5), has been adopted by the Board and has become effective.
3. It is declared and made a condition of this permit that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the permittee has been given written notice to cease such violation and has failed to do so for a period of 30 days.
4. The permittee shall defend, indemnify, and hold harmless the County; its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding, and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If, during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee according to Section 2.170.010 of the Los Angeles County Code ("County Code").

6. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety, or so as to be a nuisance.
7. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant, with all requirements of Vesting Tentative Tract Map No. 52455 ("VTTM 52455"), including development of all related infrastructure, and with all applicable laws, statutes, ordinances, or other regulations. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$3,000. The fee shall be placed in a performance fund, which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 30 annual inspections.

8. If any future inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional enforcement efforts necessary to bring the subject property into compliance.
9. The subject property shall be developed and maintained in substantial compliance with the maps on file with the Department marked Exhibit "A." Amended or revised tentative tract maps approved for VTTM 52455, including any Information Exhibit Maps, shall be deemed to establish lot lines and shall constitute a Revised Exhibit "A." In the event that subsequent revised plans are submitted, the written authorization of the property owner is required.
10. All structures shall conform with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works ("Department of Public Works").
11. The permittee shall comply with the terms and conditions of the "School Facilities Funding Agreement" between the Saugus Union School District ("District") and the Newhall Land and Farming Company.
12. The permittee shall comply with the terms and conditions of the Hart Funding Agreement.
13. This grant authorizes the development of the 966.6-acre project site with the following: a maximum of 2,545 dwelling units, including single-family residences, attached and detached condominiums, and apartment units; 180,000 square feet of commercial retail space at two locations totaling approximately 19 acres; a 10-acre elementary school site (if determined necessary by the District); private recreational areas totaling 5.4 acres; landscape; open space and paseo lots; an approximately 15.43-acre public park; project associated facilities, including, but not limited to, public and private streets, debris inlets, drainage facilities, water quality filters, water wells, water storage tanks, and utilities; a hiking/biking/equestrian trail and western spadefoot toad pond construction mitigation within Significant Ecological Area No. 19 ("SEA 19"), and the Decoro Drive bridge.
14. This grant also allows development within a hillside management area; permits construction of a trail, water wells, water conveyance devices, bank stabilization, bridge piers, footings, abutments and western spadefoot toad pond construction mitigation in SEA 19; and permits development of the site as a residential planned development, in substantial conformance with the site plans marked Exhibit "A" on file with the Department and presented before the Commission on June 16, 1999, August 23, 1999, and October 4, 1999.

15. The total number of residential dwelling units shall not exceed 2,545.
16. To ensure that the maximum number of dwelling units does not exceed 2,545 and that each development area as depicted on VTTM 52455 is developed with a reasonable number of residential units that is consistent with the limitations of this grant, the permittee shall submit monitoring reports and exhibits to the Department prior to the approval of each final subdivision map.
17. Subject to the specific requirements pertaining to project Areas "A" and "B" contained in Conditions 102 and 103 of this grant, prior to the issuance of building permits for a specific phase of this development, a final grading plan covering the subject area shall be submitted to the Department of Public Works for approval and a copy sent to the Director of the Department of Regional Planning ("Director").
18. Prior to the issuance of a grading permit or building permits for a phase of this development, site plans covering the subject area shall be submitted to and approved by the Director indicating that the proposed construction and grading:
  - a. Complies with the conditions of this grant and the standards of the zone; and
  - b. Is compatible with hillside resources.

In hillside areas, the site plan shall emphasize grading amount and technique, preservation of natural features, landscaping of altered open space and graded slopes, and the placement of buildings and structures on-site. Other features to be indicated on the site plan include, but are not limited to, fencing, walls, landscaping, parking, driveways, building setbacks, and building elevations.

19. Revegetation shall be accomplished on all graded areas (cut and fill) where structures or improvements, including ornamental landscaping, are not placed. To the maximum extent feasible and consistent with the conditions of this grant, drought-adapted materials shall be used and approved by appropriate agencies acting in the interest of fire control. To the maximum extent feasible and consistent with the conditions of this grant, drip irrigation systems shall be employed.

20. Three copies of a landscaping plan for each phase of development, which may be incorporated into the required site plan or plans, shall be submitted to and approved by the Director prior to the issuance of building permits within the covered area. The landscape plan shall indicate the size, type, and location of all trees, plants, and irrigation facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary.

In addition to the review and approval by the Director, the landscaping plans shall be reviewed by the staff biologist of the Department and the Los Angeles County Fire Department ("Fire Department"). Their review will include an evaluation of the balance of structural diversity (e.g., trees, shrubs, and ground cover) that could be expected 18 months after planting, in compliance with fire safety requirements. The landscaping plan shall show size, type, and location of all plants, trees, and watering facilities. The landscaping shall be maintained in compliance with the approved plans.

The landscaping plan must show that at least 50 percent of the area covered by landscaping will be native vegetation, including not only trees, but shrubs and ground covering as well. However, if the permittee can prove to the satisfaction of staff that 50 percent or more native planting is not possible due to County fire safety requirements, then staff may determine that a lower percentage of native planting is required. In those areas where staff approves a reduction to less than 50 percent native vegetation, the amount of native planting required shall be at least 30 percent. The landscaping will include trees, shrubs, and ground covering at a mixture and density determined by staff and the fire department. Fire-resistant plants should be given first consideration.

**Permitted Plantings:** Trees, shrubs, and ground coverings native to the region may be used for the required 50 percent native landscaping. Fire-resistant and native plants that may also be used for the required 50 percent native landscaping can be found on the list compiled by the Fire Department, which list is on file with that Department. This list may be amended as approved by staff.

**Timing of Planting:** Prior to the issuance of building permits for any construction, the permittee shall submit a landscaping and phasing plan for the landscaping associated with that construction, which plan shall be approved by the Director. This phasing plan shall establish the timing and sequencing of the required landscaping, including required plantings within six months and expected growth during the subsequent 18 months.

The planting shall begin prior to occupancy. The required planting of new trees, shrubs, and ground coverings shall be completed within six months following occupancy.

The approved phasing plan shall set forth goals for the growth of the new plants in order to achieve established landscaping within 18 months following completion of the required planting. The permittee shall supply information for staff review of the completed landscaping at such time to confirm completion in accordance with the approved landscaping plan. In the event that some plants have not flourished at the time of review, staff may require replacement planting as necessary to assure completion in accordance with such plan.

21. Except as may be permitted by Parking Permit No. 98-008-(5), automobile parking shall be provided in compliance with the requirements set forth in Part 11 of Section 22.52 of the County Code.
22. In addition to the landscaping standards required for commercial parking lots or facilities set forth in Part 11 of Section 22.52 of the County Code, the permittee shall plant trees which shall result in the development of a tree canopy shading 50 percent of the surface area of paved parking spaces within the commercial lots exposed to direct sunlight within 13 years of site plan approval. Trees shall be a minimum of 15 gallons in size, and shall be provided in planters of at least 25 square feet, protected from automobile traffic by concrete curbs at least six inches in height. The tree canopy shall be permanently maintained in substantial conformance with an approved site plan and the involved trees shall be planted prior to the issuance of a certificate of occupancy.
23. Inspections to confirm that the trees have been planted and are being properly maintained shall be made, three, five, eight, and 13 years after approval of the site plan.
24. The permittee shall provide the County a bond or other security, equal to the estimated cost of installing, maintaining, and replacing, as necessary, the tree planting and associated improvements for eight years, or \$5,000, whichever is greater. The permittee may request that the security be partially refunded no earlier than eight years following the site plan approval, upon a determination by the Director that the planting has been permanently established.
25. All development shall comply with the requirements of Title 22 (Planning and Zoning) and of the specific zoning of the subject property except as specifically set forth in this permit or as shown on the approved Exhibit "A."

26. This project may be developed in phases. Prior to the issuance of grading or building permits, the permittee shall submit a phasing plan indicating the sequence of grading and the construction of the infrastructure and buildings to the Director for review and approval.
27. Open space shall comprise not less than 30 percent of the net area of the residential development and shall be designated for the use and enjoyment of the occupants of the planned residential development. Such open space may include one or more of the following: common open space developed for recreational purposes; walking, riding, hiking, or bicycle trails; paseos; landscaped areas adjacent to streets or highways which are in excess of minimum required rights-of-way; the portions of private yards outside the building pads as depicted in Conditional Use Permit No. 98-008-(5); parks and open recreational areas; private recreation areas; open space lots created for major slopes and remnant open space; natural areas within SEA 19; and natural, undisturbed open space. All open space, as defined above, within the project boundaries is eligible for use in determining compliance with this provision.
28. Open space may comprise less than 30 percent of the net area for an individual phase of development, excluding the first phase, so long as the cumulative amount of open space dedicated is equal to or greater than 30 percent.
29. Portions of lot nos. 1453 through 1455 and 1374, 1379, 1381, 1382, 1384 through 1386, shall be developed with private recreation facilities that are intended for use by residents of the project, as depicted on the approved Exhibit "A."
30. The recreation facilities may include amenities such as pools, tennis courts, or basketball courts, shade structures, landscaping, changing/restroom facilities, recreation center room and office, and on-site parking.
31. If lighted courts are provided, lighting shall not operate between 11:00 p.m. and 7:00 a.m. This restriction shall be included in the CC&Rs prepared for the project.
32. The permittee shall submit an exhibit detailing the proposed public park and the location of the private recreation areas. This exhibit may be incorporated into a "Revised Exhibit A."
33. The permittee shall dedicate a public park site of 15.43 acres to the County of Los Angeles as depicted on Exhibit "A" displayed at the public hearing before the Commission. The facilities to be provided shall be established by the Department of Parks and Recreation in association with the permittee and, where applicable, the Metropolitan Water District.

34. As agreed, the permittee shall provide 55.83 acres of public parkland and \$4.2 million in funding for improvements as reflected in the North River Park and Trail Agreement, as well as any future amendment thereto which incorporates the changes negotiated between the permittee and the Department of Parks and Recreation.
35. The permittee shall implement a plan for recycling construction and building materials, and add "green building" features such as energy and water efficiency components, insulation, etc., wherever possible and financially feasible.
36. The project shall be designed to accommodate collection of recyclable materials.
37. The following pedestrian-friendly design features suggested by "Santa Clarita Transit" to encourage transit usage shall be incorporated into a revised site plan (revised Exhibit "A"), subject to approval by the Director and the Department of Public Works:
  - a. Through-block transit connections;
  - b. Cul-de-sac access;
  - c. Designated pedestrian access through commercial centers; and
  - d. Bus-stop amenities including bus shelters, stylized bus benches, and trash receptacles.

**AREA SPECIFIC CONDITIONS**  
**DEVELOPMENT AREA "A"**

38. Gates, as shown on VTTM 52455, are permitted within Development Area "A."

**Conditions for detached single-family residences (Lot Nos. 1 through 373)**

39. Allow the development of 364 single-family residences on lots with a minimum area of 5,000 square feet and nine single-family residences on lots with a minimum area of 20,000 square feet.
40. The following standards for the development of these single-family lots shall apply:
  - a. Type of structure: Single-family detached unit on individual lot;
  - b. Minimum lot sizes: 20,000 square feet; 5,000 square feet;

- |    |                         |  |
|----|-------------------------|--|
| c. | Open Space:             | Open space as provided in Condition No. 27 shall not be less than 30 percent of the net area of the development area;  |
| d. | Building Coverage:      | The total coverage of buildings shall not occupy more than 50 percent of the net area;   |
| e. | Parking:                | Two covered parking spaces per unit;   |
| f. | Yard setback standards: | Front yard setback from right-of-way:<br>20 feet for 20,000-square-foot lots,<br>18 feet minimum for garage setback for 5,000-square-foot lots;                                      |
|    | Side yard setback:      | 10 feet minimum from lot line for 20,000-square-foot lots, 20 feet for corner side yards, five feet minimum from lot line for 5,000-square-foot lots, 10 feet for corner side yards; |
|    | Rear yard:              | 30 feet minimum for 20,000-square-foot lots, 15 feet minimum for 5,000-square-foot lots;   |
| g. | Average lot width:      | 50 feet, 40 feet on lots fronting cul-de-sacs and knuckles;  |
| h. | Building height limit:  | 35 feet; and   |
| i. | Sidewalks:              | Not required.  |

### **DEVELOPMENT AREA "B"**

41. Gates, as shown on VTTM 52455, are permitted within Development Area "B."

**Conditions for detached single-family residences (Lot Nos. 437 through 914).**  
(The following conditions are applicable to these lots only unless otherwise specified.)

42. Allow the development of 155 single-family residences on lots with a minimum area of 5,000 square feet, 167 single-family residences on lots with a minimum of 4,000 square feet, and 156 single-family residences on lots with a minimum area of 3,350 square feet.

43. The following standards for the development of these single-family lots shall apply:
- a. Type of structure: Single-family detached unit on individual lot;
  - b. Minimum lot sizes: 5,000 square feet; 4,000 square feet; and 3,350 square feet;
  - c. Open Space: Open space as provided in Condition No. 27 shall not be less than 30 percent of the net area of the development area;
  - d. Building Coverage: The total coverage of buildings shall not occupy more than 50 percent of the net area;
  - e. Parking: Two covered parking spaces per unit;
  - f. Yard setback standards:
    - Front yard setback from right-of-way: 20 feet minimum living area setback and 18 feet minimum garage setback for 5,000-square-foot lots, 18 feet minimum garage setback and 15 feet minimum living area setback for 4,000-square foot-lots, and 18 feet minimum garage setback and 12 feet minimum living area setback for 3,350-square-foot lots;
    - Side yard setback: Five feet minimum, 10 feet for corner side yards;
    - Rear yard: 15 feet minimum;
  - g. Average lot width: 50 feet for 5,000-square-foot lots (40 feet on cul-de-sacs), 40 feet for 4,000-square-foot lots (35 feet on cul-de-sacs), 42 feet for 3,350 square feet (35 feet on cul-de-sacs);
  - h. Building height limit: 35 feet; and

- i. Sidewalks: Five-foot sidewalks shall be provided on both sides of streets in areas with 5,000-square-foot lots, four-foot sidewalks shall be provided on both sides of streets in areas with 4,000- and 3,350-square-foot lots.

44. If deemed necessary by the District, lot nos. 866 through 911 may be developed as an elementary school.

**DEVELOPMENT AREA "C"**

45. No gates shall be permitted within this development area.

**Conditions for detached single-family residences on private drives (Lot Nos. 977 through 1027, 1191 through 1300, and 1326 through 1373).**

(The following conditions are applicable to these lots only unless otherwise specified.)

46. Allow the development of 110 single-family residences on lots with a minimum of 4,000 square feet and 99 single-family residences on lots with a minimum area of 3,350 square feet.

47. The following standards for the development of these single-family lots shall apply:

- a. Type of structure: Single-family detached unit on individual lots;
- b. Minimum lot sizes: 4,000 square feet and 3,350 square feet;
- c. Parking: Two covered parking spaces per unit;
- d. Yard setback standards: Front yard setback from right-of-way: 18 feet minimum garage setback, 15 feet minimum living area setback for 4,000-square-foot lots, 18 feet minimum garage setback and 12 feet minimum living area setback for 3,350-square-foot lots;  
  
Side yard setback: Five feet minimum, 10 feet for corner side yards;  
  
Rear yard: 15 feet minimum;

- e. Average lot width: 40 feet on 4,000-square-foot lots, 42 feet on 3,350-square-foot lots, 35 feet on lots fronting cul-de-sacs; and
- f. Building height limit: 35 feet.

**Conditions for detached single-family residences on private alleys (Lot Nos. 1028 through 1190 and 1301 through 1325).**

(The following conditions are applicable to these lots only unless otherwise specified.)

48. Allow the development of 188 single-family residences on lots with a minimum area of 4,000 square feet.

49. To ensure 26 feet of clear access, an unobstructed two-foot setback shall be maintained from the rear property line abutting an alley to any structure, fence, wall, hedge, scrub, landscaping, or other feature.

50. The following standards for the development of these single-family lots shall apply:

- a. Type of structure: Single-family detached unit on individual lot with alley access;
- b. Minimum lot sizes: 4,000 square feet;
- c. Parking: Two covered parking spaces per unit;
- d. Yard setback standards: Front yard setback from right-of-way: 12 feet minimum,  
  - Side yard setback: Five feet minimum, 10 feet for corner side yards;
  - Rear yard: 15 feet minimum for living areas, two feet minimum for garage;
- e. Average lot width: 40 feet; 35 feet on lots fronting cul-de-sacs or knuckles;
- f. Building height limit: 35 feet;
- g. Parking turning radius: The turning radius for backing out of garages into the alley shall be a minimum of 26 feet as depicted on "Exhibit A;" and

- h. Sidewalks: 5-foot sidewalks and a seven-foot planted parkway shall be provided along all streets.

**Conditions for Cluster 1 Detached Condominiums (Lot No. 1387)**

51. Allow the development of 55 detached condominiums.

(The following conditions are applicable to this lot and other lots implementing the Cluster 1 Development Option.)

52. The following standards for the development of these condominiums shall apply:

- a. Type of structure: Single-family detached unit on individual exclusive use area;
- b. Automobile Access: Private driveway of 28 feet in width with no parking permitted;
- c. Parking: Two covered parking spaces per unit;
- d. Guest Parking: On-street parking at one space per each four units;
- e. Parking turning radius: The turning radius for backing out of garages shall be a minimum of 26 feet;
- f. Driveway standards: Driveways serving individual units shall be either a minimum of 18 feet in length or a maximum of five feet. This standard applies to one drive where there are split or staggered driveways;
- g. Building height limit: 35 feet; and
- h. Sidewalks: Four-foot sidewalks shall be provided on one side of the private driveway.

**Conditions for Multi-Family Apartments (Lot No. 1382)**

53. Allow the development of 113 apartment units in eight separate buildings.

(The following conditions are applicable to this lot and other lots implementing the Apartments Development Option.)

54. The following standards for the development of these apartment units shall apply:

- a. Type of structure: Multi-family apartment units;
- b. Automobile Access: Private driveway of 28 feet in width with no parking permitted;
- c. Setback Standards: 20 feet minimum from public right-of-way, 10 foot setback from perimeter of development area, paseo, or landscape lot, 10 feet minimum separation between one or two story structures plus two additional feet for each additional story to a maximum of 16 feet;
- d. Parking: Covered and uncovered resident parking as required by Part 11 of Section 22.52 of the County Code;
- e. Guest Parking: On-street and off-street parking at one space per each four units for a total of 29 spaces; and
- f. Building height limit: 45 feet.

The following conditions are applicable to type of unit and are not specific to individual lots. These conditions will apply to those lots implementing the Development Options alternatives.

**Conditions for Cluster 2A (Court Homes) Development Option.**

(The following conditions are applicable to any lot where this option is implemented.)

55. The following standards for the development of these units shall apply:

- a. Type of structure: Detached single-family condominiums;
- b. Automobile Access: Private driveway of 36 feet in width with parking on both sides;
- c. Setback Standards: 20 feet minimum from public right-of-way, 10 feet setback from perimeter of development area, paseo or landscape lot, 10-foot minimum separation between residential structures;

- d.     Parking:                                 Two covered parking spaces per unit;
- e.     Guest Parking:                         On-street one space per each four units;
- f.     Building height limit:                35 feet;
- g.     Access Driveway:                     The driveway entrance to clustered units shall be a minimum of 26 feet in width;
- h.     Private driveways:                   All individual units shall have driveways of a minimum 18 feet in length. This standard applies to one drive where there are split or staggered driveways; and
- i.     Sidewalks:                             Four-foot sidewalks shall be provided on one side of the private driveway.

**Conditions for Cluster 2B (Detached Condominiums) Development Option.**  
(The following conditions are applicable to any lot where this option is implemented.)

56.    The following standards for the development of these units shall apply:

- a.     Type of structure:                     Detached single-family condominiums;
- b.     Automobile Access:                   Private driveway of 36 feet in width with parking on both sides;
- c.     Setback Standards:                   20 feet minimum from public right-of-way, 10-foot setback from perimeter of development area, paseo, or landscape lot, 10 feet minimum separation between structures;
- d.     Parking:                                Two covered parking spaces per unit;
- e.     Guest Parking:                         On-street parking at one space per each four units;
- f.     Building height limit:                35 feet;
- g.     Access Driveway:                     The driveway entrance to clustered units shall be a minimum of 26 feet in width;

- h. Private driveways: Driveways serving individual units should be a minimum 18 feet in length or a maximum of five feet. This standard applies to one drive when there are split or staggered driveways; and
- i. Sidewalks: Four-foot sidewalks shall be provided on one side of the private driveway.

**Conditions for Attached Condominiums (SFA 1) Development Option.**

(The following conditions are applicable to any lot where this option is implemented.)

57. The following standards for the development of these units shall apply:

- a. Type of structure: Attached condominiums;
- b. Automobile Access: Private driveway of 28 feet in width with no parking or 36 feet in width with parking on both sides;
- c. Setback Standards: 20 feet minimum from public right-of-way, 15 feet setback from perimeter of development area, paseo or landscape lot, 10 feet minimum separation between structures;
- d. Parking: Two covered parking spaces per unit;
- e. Guest Parking: On-street and off-street parking at one space per each four units;
- f. Building height limit: 45 feet;
- g. Driveway Standards: Driveways serving individual units should be a minimum of 18 feet in length or a maximum of five feet. This standard applies to one drive where there are split or staggered driveways; and
- h. Sidewalks: Four-foot sidewalks shall be provided on one side of the private driveway.

**Conditions for Attached Condominiums (SFA 2) Development Option.**

(The following conditions are applicable to any lot where this option is implemented.)

58. The following standards for the development of these units shall apply:
- a. Type of structure: Attached condominiums;
  - b. Automobile Access: Private driveway of 28 feet in width with no on-street parking permitted;
  - c. Setback Standards: 20 feet minimum from public right-of-way, 10 feet setback from perimeter of development area, paseo, or landscape lot, 10 feet minimum separation between one- or two-story structures plus two additional feet for each additional story to a maximum of 16 feet;
  - d. Parking: Two covered parking spaces per unit;
  - e. Guest Parking: On-street and off-street parking at one space per each four units; and
  - f. Building height limit: 45 feet.

**DEVELOPMENT AREA "D"**

59. The permittee shall finalize a formal agreement with a conservation organization or public agency which provides for the long-term management of the trail system and shall submit the agreement to the Department.

**COMMERCIAL SITES**

60. Commercial uses for the project site shall not exceed a maximum floor area of 180,000 square feet.
61. Permitted uses shall include any use permitted in zone C-2.
62. Development of the site shall be substantially in compliance with the site plan reviewed by the Commission at the October 4, 1999, public hearing which has been incorporated into the CUP booklet and marked Exhibit "A."
63. Automobile parking facilities shall be provided in compliance with Chapter 22.52 of the County Code and as set forth in Parking Permit No. 98-008-(5).

64. The proposed sale or consumption of alcoholic beverages within the commercial centers will require separate application for, and approval of, a conditional use permit authorizing such use.
65. Buildings shall not exceed a height of 35 feet.

### **SIGNIFICANT ECOLOGICAL AREA**

66. The permittee shall enter into a formal agreement (e.g., a conservation easement) with a conservation organization or public agency which provides for the long-term management of the habitats within SEA 19 as a preserved open space and submit the agreement to the Department.
67. To the extent indicated in the project's environmental documentation, use of the preserved open area of SEA 19 shall be restricted to recreational uses such as hiking, horseback riding, bicycling, photography, and bird watching, so as to minimize the impact on the habitat.
68. To the extent indicated in the project's environmental documentation, portions of SEA 19 within the boundaries of Tract 52455 may also be used for bank stabilization, trails, water conveyance devices, water wells, footings, Decoro Drive ridge piers and abutments, and western spadefoot toad pond construction mitigation.
69. The mitigation measures enumerated in the project's environmental documentation for the protection of SEA 19 are incorporated herein, by reference, and shall be implemented in accordance with the adopted West Creek Mitigation Monitoring Program , appended to the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005).

### **HILLSIDE MANAGEMENT**

70. Prior to the issuance of building permits for each phase of development, a site plan covering the subject area shall be submitted to and approved by the Director indicating that the proposed construction and grading:
  - a. Complies with the conditions of this grant and the standards of the zone; and
  - b. Is compatible with hillside resources as shown on VTTM No. 52455.

71. In hillside areas, the site plan shall emphasize grading amount and technique, landscaping of altered open space and graded slopes, and the placement of buildings and structures on-site. Other features to be indicated on all site plans include, but are not limited to, fencing, walls, landscaping, parking, driveways, building setbacks, and building elevations.
72. If grading plans are modified substantially, as determined by the Department of Public Works, a revised grading concept plan shall be submitted to and approved by the Director as being compatible with the applicable provisions of the Los Angeles County Hillside Design Guidelines.
73. Re-vegetation shall be accomplished on all graded areas (cut-and-fill) where structures or improvements, including ornamental landscaping, are not placed. To the maximum extent feasible and consistent with the conditions of this grant, drought-adapted plant materials acceptable to the County Fire Department and the Director shall be planted and permanently maintained. To the maximum extent feasible and consistent with the conditions of this grant, drip irrigation systems shall be employed.
74. Subject to the specific requirements pertaining to project Areas "A" and "B" contained in Condition Nos. 102 and 103 of this grant, prior to the issuance of building permits for a specific phase of this development, a final grading plan covering the subject area shall be submitted to the Department of Public Works for approval and a copy sent to the Director.
75. Provisions shall be made for all drainage to the satisfaction of the Department of Public Works. Drainage plans and two signed grading plans shall be submitted to Public Works for approval before grading or construction. A final approved grading plan shall be submitted to the Department.
76. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to the hours between 7:00 a.m. and 6:00 p.m. No Sunday or federal holiday operations are permitted.
77. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director and the Director of Public Works.
78. On-site grading shall be limited to that mass grading and fine grading which is necessary to construct roads, utilities, and building pads as shown on the approved Exhibit "A" and for grading necessary for landscaping and drainage improvements.

79. Detonation of explosives or any other blasting device or material shall be prohibited unless required permits have been obtained.
80. No construction equipment or vehicles shall be parked or stored on any existing public or private streets.
81. The permittee shall obtain a grading permit and any other necessary permits from the Department of Public Works as provided in the Building Code set out in Title 26 of the County Code before commencement of any grading project or off-site transport of fill materials. Such permits shall be maintained in full force and effect throughout the life of this permit. Additionally, any flagman requested by said Department shall be provided and any other recommendations of said Department shall be strictly complied with.

### **CONSTRUCTION, UTILITY, AND INFRASTRUCTURE REQUIREMENTS**

82. The subject property shall be developed and maintained in compliance with the requirements of the Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
83. The permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Water mains, fire hydrants, and fire flow shall be provided as may be required by this bureau.
84. The permittee shall contact the Department of Public Works to determine whether an industrial waste disposal permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. The permittee shall keep any required permits in full force and effect and shall fully comply with any requirements thereof.
85. The permittee shall complete, or guarantee completion (e.g., bonds or letters of credit) of all street improvement requirements for each unit of development to the satisfaction of the Department of Public Works before obtaining building permits for each unit of development.
86. All construction and development within the subject property shall comply with applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation policies, statutes and codes, and the Subdivision Code as adopted by the County of Los Angeles

and in existence at the time the application for the vesting tentative tract map was deemed complete, unless the County makes a finding that such policies, statutes, and/or codes do not provide adequately for the health and safety of the public or are contrary to state or federal law.

87. The permittee shall use water-saving devices and technology in the construction of this project to the extent feasible and consistent with the County Building and Plumbing Codes.
88. All new utilities shall be placed underground.
89. The permittee shall secure any necessary permits from the South Coast Air Quality Management District.
90. Building permits shall not be issued until the subject property has been annexed to the appropriate sanitation district or districts and adequate sewage treatment capacity is available to serve this project or alternative sewage disposal facilities acceptable to the Department of Health Services and the Department of Public Works are available to serve the project.
91. The Covenants, Conditions, and Restrictions governing the common areas and their administration shall be in compliance with all applicable statutes, and subject to the approval of the Director.
92. Bank stabilization required to protect property from streambed erosion and streambed migration shall be constructed and maintained to the satisfaction of the County Department of Public Works, the State Department of Fish and Game, and Army Corps of Engineers.

#### **ENVIRONMENTAL MITIGATION**

93. The environmental mitigation measures set forth in the revised West Creek Mitigation Monitoring Plan for the project on file at the Department, are herewith incorporated into and made conditions of this project.
94. Monitoring Report Requirements: As a means of ensuring the effectiveness of the mitigation measures set forth in the Mitigation Monitoring Plan, the permittee shall submit mitigation monitoring reports to the Department. The reports shall describe the status of compliance with the mitigation measures adopted as conditions of this grant.

95. The reports shall be submitted and approved in the following sequence:
- a. Prior to or concurrent with submittal of any revised Exhibit "A" to be approved by the Department, and prior to issuance of grading permits by the Department of Public Works (may be one report);
  - b. At the time of building permit issuance by the Department of Public Works. If the project is phased, a report shall be submitted at each successive phase;
  - c. Prior to occupancy clearances by the Department of Public Works; and
  - d. Additional reports as deemed necessary by the Department.
96. An Environmental Documentation Deposit Account shall be established and maintained pursuant to section 12.04.020 of the County Code to defray the costs of reviewing and verifying the information contained in the aforementioned reports.
97. All mitigation measures listed in the revised environmental documentation shall be implemented in a timely manner and in accordance with the adopted Mitigation Monitoring Program.

## **WATER QUALITY BASINS**

98. The permittee shall develop and implement a Regional Water Quality Control Board approved Storm Water Pollution Prevention Plan during site development. Best Management Practices ("BMPs") are to be utilized, as required to facilitate the removal of pollutants from storm runoff prior to discharge into San Francisquito Creek, and to meet the water quality management requirements of the General Permit (NPDES). This plan shall include the construction of two on-site water quality basins to capture first flush storm flows and to filter the runoff prior to discharge. The exact location of these facilities shall be determined prior to final map recordation. Once constructed, these facilities shall be turned over to the Department of Public Works for operation, maintenance, and monitoring. Occupancy clearances shall not be granted by the Department of Public Works until these filters are constructed and in operation.

## **GRAFFITI REMOVAL**

99. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not provide pertinent information about the premises.

100. In the event of such extraneous markings occurring, the permittee shall remove or cover the markings, drawings, or signage within 24 hours following such occurrence, weather permitting. Paint used in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations, or signage provided under the auspices of a civic or non-profit organization.

#### **TIME LIMITS FOR USE OF PERMIT**

101. The time limit for the use of the conditional use permit shall be the same and concurrent with the time limit for VTTM No. 52455.

#### **ADDITIONAL GRADING CONDITIONS**

102. Notwithstanding anything to the contrary provided herein, no grading (including brush clearance activities, bulk grading, rough grading, or fine grading) shall occur in Areas "A" and "B" until the water agency providing retail water service to the site has annexed the site into its service area and issued a "will serve" letter certifying that it will provide water to the site and has sufficient water capacity to do so. This condition shall not apply to grading required for the construction of, and access to, any school trail, water tank, bank stabilization, or utility, or to the Decoro Drive bridge and roadways connecting to adjacent approved tract maps.
103. Prior to the issuance of grading permits for any phase of grading as specifically defined and noted in Condition No. 102, above, plans shall be submitted and approved by the Director.

#### **MISCELLANEOUS**

104. As agreed, the permittee shall provide \$20,000 towards the cost of construction of a future sports stadium at Valencia High School.

**CONDITIONS OF APPROVAL  
OAK TREE PERMIT NUMBER 98-008-(5)**

**(Questions relating to these conditions should be addressed to the Forestry Division, Prevention Bureau of the County Forester and Fire Warden.)**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective until:
  - a. The permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Los Angeles County Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant;
  - b. The Board of Supervisors has adopted Sub-Plan Amendment 98-008-(5); and
  - c. An ordinance changing the zoning of the property from A-2-5 to RPD-5,000-2U, RPD-5,000-10U, RPD-5,000-12U, RPD-5,000-19U, RPD-5,000-25U, RPD-5,000-27U, C-2-DP, and OS, as recommended in Zone Change No. 98-008-(5), has been adopted by the Board of Supervisors and has become effective.
3. The term "Oak Tree Report" refers to the document on file at the Department by James Henrickson, Ph.D., the consulting arborist, dated February 28, 1998.
4. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Planning ("Director") and the Forestry Division of the Los Angeles County Fire Department ("Fire Department") stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director and County Forester any failure on the part of the permittee to fully comply with the conditions of this grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.

5. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of this oak tree permit or related Conditional Use Permit No. 98-008-(5).
6. The permittee shall keep copies of the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan, and Conditions of Approval on the project site and available for review.
7. This grant allows the removal of 13 trees of the Oak Genus *Quercus Agrifolia* (Coastal Live Oak), *Quercus Lobata* (Valley Oak), and *Quercus Berberidifolia* (Scrub Oak) as identified below and on the permittee's site plan and Oak Tree Report.
8. This grant allows encroachment within the protected zone of five trees of the Oak Genus *Quercus Lobata* (Valley Oak), and *Quercus Agrifolia* (Coastal Live Oak) as identified below and in the permittee's Oak Tree Report.
9. The permittee shall provide mitigation trees of the Oak Genus at a rate of two trees for each tree removed for a total of 26 trees. In addition, any trees which die as a result of permitted encroachments shall be replaced at the rate of 2:1. If any heritage oak tree should die, it shall be replaced at the rate of 10:1.
10. Each mitigation tree shall be at least a fifteen-gallon specimen in size and measure one inch or more in diameter one foot above the base. Free-form trees with multiple stems are permissible; the combined diameter of the two largest stems of such trees shall measure a minimum of one inch in diameter and one-foot above the base.
11. Mitigation trees shall consist of indigenous varieties of *Quercus* grown from a local seed source.
12. Mitigation trees shall be planted within one year of the permitted oak tree removals. Mitigation trees shall be planted either on-site or at an off-site location approved by the County Forester.
13. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director and the County Forester indicating that the mitigation trees have been planted. The maintenance period for the trees failing to survive two years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.

14. All mitigation oak trees planted as a condition of this permit once they have survived the required maintenance period, shall be protected by the Los Angeles County Oak Tree Ordinance in perpetuity.
15. Prior to the planting of the trees, the biologist/arborist for the applicant shall determine planting sites, prepare planting plans and specifications, and a monitoring program, all of which shall be approved by the County Forester and the Department.
16. Replacement trees shall be of the same species as those removed, to the extent available.
17. All work on or within the protected zone of an oak tree shall be performed by or under the supervision of the consulting arborist.
18. The permittee shall install temporary fencing, not less than four feet in height, to secure the protected zone of all remaining oak trees within the vicinity of grading and construction operations during such operations as recommended by the County Forester. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester or the Director.
19. Equipment, materials, and vehicles shall not be stored, parked, or operated within the protected zone of an oak tree.
20. No temporary structures shall be placed within the protected zone of any oak tree.
21. Trenching, excavation, or clearance of vegetation within the protected zone of an oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
22. Utility trenches shall not be routed within the protected zone of an oak tree unless the serving utility requires such locations.
23. Should work on or within the protected zone result in the death of any oak tree within two years of completion of work, the tree shall be replaced and maintained as set forth in the conditions of this grant regarding replacement trees.
24. Planting and irrigation system to be installed within the dripline of retained oak trees shall be in conformance with the adopted West Creek Mitigation Monitoring Program, appended to the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005).

25. In addition to the other work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected oak tree or to improve its appearance or structure may be performed. Such pruning shall be limited to the removal of deadwood and stubs, and medium pruning of branches two inches in diameter or less in accordance with the guidelines published by the National Arborist Association and the project's adopted Mitigation Monitoring Program. Copies of these guidelines are available from the Forestry Division of the Fire Department.
26. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the Fire Department the sum of \$500. Such fee shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with these conditions of approval. The above fee provides for five biannual inspections until the conditions of approval have been met.
27. The Director and the County Forester shall retain the right to make regular and unannounced site inspections.
28. Violations of the conditions of this grant shall result in either an immediate work stoppage or a Notice of Correction, depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the Notice of Correction.
29. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the Forestry Division of the Fire Department for all enforcement efforts necessary to bring the subject property into compliance.
30. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding, and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

31. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
- a. If, during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee according to Section 2.170.010 of the Los Angeles County Code.

32. It is hereby declared to be the intent of this permit that if any provision of this permit is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
33. It is declared and made a condition of this permit that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the permit shall be suspended, and the privileges granted hereunder shall lapse, provided that the permittee has been given written notice to cease such violation and has failed to do so for a period of 30 days.
34. The time limits for the use of this grant shall be concurrent with and consistent with that of Vesting Tentative Tract Map No. 52455.

**CONDITIONS OF APPROVAL  
PARKING PERMIT NUMBER 98-008-(5)**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective until:
  - a. The permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Los Angeles County Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant; and
  - b. An ordinance changing the zoning of the property from A-2-5 to RPD-5,000-2U, RPD-5,000-10U, RPD-5,000-12U, RPD-5,000-19U, RPD-5,000-25U, RPD-5,000-27U, C-2-DP, and OS, as recommended in Zone Change Case No. 98-008-(5), has been adopted by the Board of Supervisors and has become effective.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding, and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee according to Section 2.170.010 of the Los Angeles County Code.

5. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
6. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
7. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. The permittee shall provide fire flow, hydrants, gated access width, emergency access, and any other necessary facilities as may be required by said Department.
8. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
9. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.

10. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint used to cover such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
11. The subject property shall be developed and maintained in substantial compliance with the plans on file at the Department marked "Exhibit A." In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
12. This grant authorizes off-site reciprocal parking for commercial centers at two locations:
  - a. The northerly site located adjacent to the Metropolitan Water District ("MWD") fee property in the Copper Hill Village planning area consisting of approximately nine acres; and
  - b. The southerly site, of approximately eight acres, located within the Copper Hill Village Planning Area along the west side of Copper Hill Drive.
13. This grant also permits parking off-site on the MWD fee property for the northerly commercial site. The parking permitted on the MWD property shall only be in excess of that required to serve approved commercial uses. No required parking shall be permitted on this property.
14. The permittee shall comply with the requirements of the MWD pertaining to access and security issues. A copy of any agreement between the MWD and permittee shall be provided to the Department.
15. Parking shall be designed and provided as specified by the provisions of Part 11 of Section 22.52 of the Zoning Ordinance.
16. In addition to the landscaping standards required for commercial parking lots or facilities set forth in Part 11 of Section 22.52 of the Zoning Ordinance, the permittee shall provide a tree canopy shading 50 percent of the surface area of paved parking spaces within the lot exposed to direct sunlight. Trees shall be a minimum of 15 gallons in size and shall be provided in planters of at least 25 square feet, protected from automobile traffic by concrete curbs at least six inches in height. The tree canopy shall be permanently maintained in substantial conformance with an approved site plan and shall be installed prior to the issuance of a certificate of occupancy.

17. Inspections to confirm that the trees have been installed and are being properly maintained shall be made, 3, 5, 8, and 13 years after approval of the site plan.
18. The permittee shall provide a \$5,000 bond or other security satisfactory to the County of Los Angeles. This fee shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the continuing maintenance and health of the tree canopy.
19. The time limit for the use of the parking permit shall be the same and concurrent with the time limit for Vesting Tentative Tract Map No. 52455.



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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RAYMOND G. FORTNER, JR.  
County Counsel

July 20, 2005

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Agenda No. 12  
03/22/05

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

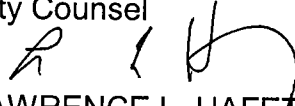
**Re: VESTING TENTATIVE TRACT MAP NUMBER 52455  
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced subdivision which proposes to create 1,521 lots, consisting of 1,262 residential lots (for development of a maximum of 2,545 dwelling units); 11 commercial lots; 3 lots for recreation areas; 32 lots for paseos, trails, and bridge crossings; 110 open space lots; and 103 lots containing water tanks, storm water drainage facilities, and private drives, located on approximately 966.6 acres in the Newhall Zoned District. At the conclusion of the hearing, you indicated an intent to reinstate approval of the subdivision and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration. The findings also address an additional perchlorate issue that arose after your Board's hearing.

Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By   
LAWRENCE L. HAFEZ  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

  
RAYMOND G. FORTNER, JR.  
County Counsel

LLH:di  
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
VESTING TENTATIVE TRACT MAP NUMBER 52455**

1. Vesting Tentative Tract Map No. 52455 was heard by the Los Angeles County Board of Supervisors ("Board") and the Regional Planning Commission ("Commission") concurrently with General Plan and Sub-Plan Amendment No. 98-008-(5), Zone Change No. 98-008-(5), Conditional Use Permit No. 98-008-(5), Oak Tree Permit No. 98-008-(5), and Parking Permit No. 98-008-(5) (collectively, "Project Approvals").
2. The tentative map proposes to create 1,521 lots, consisting of 1,262 residential lots (for development of a maximum of 2,545 dwelling units); 11 commercial lots; 3 lots for recreation areas; 32 lots for paseos, trails, and bridge crossings; 110 open space lots; and 103 lots containing water tanks, storm water drainage facilities, and private drives, located on approximately 966.6 acres.
3. The subject property is located north of the City of Santa Clarita, west of San Francisquito Creek, and north of Valencia High School in the Newhall Zoned District. Copper Hill Drive bisects the property.
4. The entire property is currently zoned A-2-5 (Heavy Agricultural - 5-acre minimum lot area). This zone permits agricultural and other rural uses, including residential, with a minimum lot area of 5 acres. Surrounding zoning is A-2-5 and Residential Planned Development ("RPD").
5. The Commission conducted concurrent public hearings regarding the Project Approvals on June 16, 1999, August 23, 1999, and October 4, 1999.
6. The Board conducted its public hearing on the Project Approvals on August 22, 2000, and September 26, 2000. The Board duly considered the decision of the Commission, public testimony, the recommendations and testimony of the Los Angeles County Department of Regional Planning ("Department") staff, and the West Creek Environmental Impact Report ("EIR") (SCH No. 1998021052), including the documentation within each department file.
7. On September 26, 2000, the Board certified the adequacy of the West Creek EIR prepared for the project pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, finding that: (1) the EIR had been completed in compliance with CEQA; (2) that the Board had reviewed and considered the information in the EIR prior to adopting the Project Approvals; and, (3) the EIR reflected the Board's independent judgment and analysis.

8. On December 19, 2000, the Board: (a) adopted CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project;" (b) approved the West Creek Mitigation Monitoring Plan, appended to the adopted CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project;" and, (c) adopted the Project Approvals.
9. On January 30, 2001, a petition for writ of mandate was filed, challenging the Board's certification of the West Creek EIR and adoption of the Project Approvals ("the West Creek litigation").
10. On January 10, 2002, after a hearing before the Honorable Thomas P. Anderle of the Santa Barbara Superior Court, the trial court issued a Judgment in favor of the County and the project applicant denying the petition for writ of mandate in the West Creek litigation, and petitioners filed an appeal of that Judgment.
11. On February 27, 2003, the Second District Court of Appeal, Division 6, reversed the trial court's Judgment in the West Creek litigation and remanded the matter for further proceedings consistent with its published opinion (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715).
12. In June 2003, after a remand hearing, the trial court issued a new judgment granting a writ of mandate in favor of petitioners and vacating the trial court's prior Judgment filed on January 10, 2002; and the trial court ordered the County to vacate and set aside its certification of the West Creek EIR and to take further actions, consistent with the trial court's writ of mandate, CEQA and the views expressed by the Court of Appeal in its published opinion. The trial court also made it clear at the remand hearing that the Project Approvals were suspended pending the preparation and certification of revised environmental documentation for the West Creek project.
13. In or about August 2003, the Department caused the West Creek Draft Additional Analysis to be prepared in response to the Court of Appeal and the trial court's writ of mandate. The Draft Additional Analysis serves as the CEQA document required to revise and reassess the original EIR's cumulative impacts analysis for water supply and demand, and any and all analysis in that EIR related to water supply and demand. It also evaluates the availability, reliability and supply estimates for State Water Project ("SWP") water in wet, average and drought years using estimates obtained from the Department of Water Resources ("DWR"), consistent with CEQA, as well as the Court of Appeal decision and trial court's writ.

14. The West Creek Draft Additional Analysis was circulated for review and public comment for the 45-day period required by CEQA, commencing on December 15, 2003, to January 28, 2004. Subsequently, the West Creek Final Additional Analysis was prepared.
15. The Commission held public hearings on the West Creek Draft and Final Additional Analysis on February 4, 2004, and April 14, 2004.
16. On May 12, 2004, the Commission continued the West Creek matter due to the confirmed discovery of the western spadefoot toad on the West Creek project site, which discovery occurred after the County had already circulated for review and public comment the West Creek Draft and Final Additional Analysis.
17. At the direction of County staff, a "Western Spadefoot Toad Analysis," Volume V (June 2004), was prepared as a component of the West Creek Draft Additional Analysis, and the Augmented Environmental Analysis (spadefoot) ("AEA Spadefoot") was circulated for a 45-day review and public comment period, commencing from June 28, 2004, to August 11, 2004.
18. On August 11, 2004, the Commission held a public hearing on the adequacy of the AEA Spadefoot.
19. The West Creek Final Additional Analysis, Volumes III and IV (April 2004), and Volume VI (September 2004), was prepared and circulated for public review at the direction of the County to respond to all written and oral comments received on the West Creek Draft Additional Analysis and the AEA Spadefoot.
20. On September 15, 2004, the Commission recommended: (a) certification of the West Creek EIR, as revised by the Draft and Final Additional Analysis, including the AEA Spadefoot; and, (b) readoption of the Project Approvals with modifications to the previously adopted water service and environmental findings, as set forth in the Commission's Resolution and related findings.
21. On October 26, 2004, the Board continued the public hearing regarding the West Creek revised environmental documentation and the Project Approvals.
22. On January 25, 2005, the Board held a public hearing regarding the West Creek revised environmental documentation and the Project Approvals, heard public testimony in opposition to and in favor of the project, and closed the public hearing with respect to any further public comments raising environmental issues relating to the West Creek EIR, as revised by the Draft and Final Additional Analysis.

23. On March 22, 2005, after the close of the public hearing, the Board certified the West Creek EIR, as revised by the Draft and Final Additional Analysis, adopted the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (March 2005) and the revised Mitigation Monitoring Plan ("Mitigation Monitoring Program"), and, in doing so, indicated its intent to reinstate and reaffirm the previously adopted Project Approvals, and instructed County Counsel to prepare the necessary resolution, ordinance, findings and conditions of approval.
24. After the Board's certification of the West Creek EIR, as revised by the Draft and Final Additional Analysis on March 22, 2005, and before the Board acted to reinstate and reaffirm the previously adopted Project Approvals, the project applicant advised the Department and its Board that Valencia Water Company, the local retail water purveyor for the West Creek project, had confirmed the detection of perchlorate in Valencia's Well Q2, an Alluvial aquifer municipal-supply well, in connection with regular monitoring of active wells near the former Whittaker-Bermite facility, located in the City of Santa Clarita.
25. In response to that information, the Department caused to be prepared the Supplement to the West Creek EIR and Final Additional Analysis (SCH No. 1998021052) ("Supplement") to document the determinations made by the Department regarding the detection of perchlorate in Valencia's Well Q2.
26. The Department provided notice of availability of the Supplement to all public agencies, organizations and other persons on or about May 18, 2005; the Department caused the Supplement to be circulated for a 45-day public review and comment period, commencing on May 18, 2005 to July 1, 2005; and, thereafter, the Department caused to be prepared written responses to public comments on environmental issues raised in the Supplement.
27. The Department provided public notice of the Board's hearing scheduled for July 26, 2005, to consider the West Creek EIR, as revised by the Final Additional Analysis and Supplement; to decide whether to reinstate and reaffirm the previously approved Project Approvals; and, to adopt the necessary resolution, ordinance, findings and conditions of approval relating to the Project Approvals.
28. On July 26, 2005, the Board conducted a public hearing on the West Creek EIR, as revised by the Final Additional Analysis and Supplement, and the Project Approvals.
29. The Board has duly considered the decisions and recommendations of the Commission, the public testimony for and against the West Creek project, the recommendations and testimony of both the Department and the Department of Public Works, and the West Creek EIR, as revised by the Final Additional

Analysis, including the AEA Spadefoot, the Supplement, and the documentation within the files of both departments.

30. The Board has concurrently reinstated and reaffirmed Zone Change No. 98-008-(5), changing the zoning on the subject property to:
- RPD - 5,000 - 2.0 (residential planned development - 5,000 square feet, minimum lot size - 2.0 dwelling units per acre) on 508 acres;
  - RPD - 5,000 - 10.0 (residential planned development - 5,000 square feet, minimum lot size - 10.0 dwelling units per acre) on 122.1 acres;
  - RPD - 5,000 - 12.0 (residential planned development - 5,000 square feet, minimum lot size - 12.0 dwelling units per acre) on 63.6 acres;
  - RPD - 5,000 - 19.0 (residential planned development - 5,000 square feet, minimum lot size - 19.0 dwelling units per acre) on 7.0 acres;
  - RPD - 5,000 - 25.0 (residential planned development - 5,000 square feet, minimum lot size - 25.0 dwelling units per acre) on 12.0 acres;
  - RPD - 5,000 - 27.0 (residential planned development - 5,000 square feet, minimum lot size - 27.0 dwelling units per acre) on 11.2 acres;
  - C-2DP (neighborhood business development program) on 20.7 acres; and
  - OS (open space) on 222.2 acres.
31. Reinstatement of this tentative tract map will not become effective until the ordinance effecting the above-referenced Zone Change is adopted by the Board and has become effective.
32. The Board also concurrently reinstated and reaffirmed Conditional Use Permit No. 98-008-(5), Oak Tree Permit No. 98-008-(5), and Parking Permit No. 98-008-(5) after approval by the Commission was called up for review by the Board. Those permits propose development of 1,248 single-family dwelling units, 968 condominiums, 329 apartment units, and 180,000 square feet of commercial retail space on the property in accordance with RPD zone classification and the Neighborhood Commercial Development Program (C-2-DP) zone classification; approve development in a Hillside Management Area; development of recreational trails, water wells and water conveyance devices, bank stabilization, bridge piers, abutments, and western spadefoot toad pond construction mitigation in a Significant Ecological Area ("SEA"); development of other public and private infrastructure and grading associated with the project; the removal of 13 oak trees located on site; and to allow off-site reciprocal parking on

Metropolitan Water district property located adjacent to the 9-acre commercial site proposed for the project. The findings of the Board with respect to the aforementioned conditional use permit, oak tree permit, and parking permit are incorporated herein by this reference as if set forth in full.

33. The project design, as modified by the Conditional Use Permit, complies with the standard requirements of the proposed zones.
34. The subject property is currently depicted within the Low Density Residential, Low/Medium Density Residential, Non-Urban, Major Industrial, and SEA categories of the Countywide General Plan and within the Urban 1 (1.2-3.3 d.u./ac), Urban 2 (3.4-6.6 d.u./ac), and Urban 4 (15.0-40 d.u./ac) Commercial, Industrial, Hillside Management, and a SEA/Floodway categories of the Santa Clarita Valley Areawide Plan.
35. The Board has concurrently reinstated and reaffirmed General Plan and Sub-Plan Amendment No. 98-008-(5), changing the land use policy maps of the County General Plan and Santa Clarita Valley Areawide Plan to result in the following changes to the existing land use designations of the site:

Countywide General Plan - An increase in the Non-Urban category of 31.6 acres, a 4.8-acre increase in the Low Density Residential category, a .07-acre increase in the Low/Medium Density Residential category, a 100.3-acre increase in the Medium Density Residential category, a 15-acre decrease in the SEA category, and the elimination of the 119.2-acre Industrial designation.

Santa Clarita Valley Area Plan - A decrease of 32.1 acres in the U1 category, 16.6-acre decrease in the U2 category, an increase of 80.5 acres in the U3 category, a 5.7-increase in the U4 category, an 8-acre increase in the Commercial category, the elimination of the 119.2 acres designated Industrial, an increase of 31.8 acres in the Hillside Management category, and a decrease of 15 acres in the SEA category.

This reinstatement will not be effective until the Board has adopted the proposed General Plan Amendment.

36. The reinstatement of this tract map will not be effective until the General Plan/Sub-Plan Amendment concurrently reinstated and reaffirmed by the Board has become effective.
37. Approximately 193 acres of the subject property are designated by the Countywide General Plan as SEA No. 19. SEA No. 19 was established to preserve San Francisquito Creek as a movement corridor for the Unarmored Threespine Stickleback (*gasterosteus aculeatus williamsoni*), a state and

federally listed endangered species. A conditional use permit is required and has been approved to ensure compliance with SEA design review criteria.

38. The subject property contains natural slopes of 25 percent or greater. Therefore, a conditional use permit to ensure compliance with hillside management design review criteria is required.
39. The proposed project and the provision for its design and improvements are consistent with the goals and policies of the General Plan, since it is in substantial compliance with the general conditions and has met the burden of proof for issuance of a conditional use permit for hillside management areas, in that:
  - a. The proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, or erosion hazard;
  - b. The proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents;
  - c. The proposed project is compatible with the natural biotic, cultural, and scenic resources of the area;
  - d. The proposed project will not be detrimental to public health and safety, design, and/or environmental considerations;
  - e. The proposed project includes neighborhood shopping and community facilities and is conveniently served by additional neighborhood shopping and community facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan;
  - f. The approval of proposed dwelling units for the proposed development in urban hillsides is allowed since the proposed conditions of approval adequately mitigate problems of public safety, design, and environmental considerations as provided in the General Plan; and
  - g. The proposed project has the necessary provision for open space areas.
40. The estimated water demand of the proposed project is 2,194 acre-feet per year ("AFY") in an average year. Project water demand increases in a dry year by approximately ten percent to a total of 2,413 AFY. To meet this demand, water would be provided to the project by the Valencia Water Company. The project

site is located within the Valencia Water Company service area. Water sources expected to be used by Valencia Water Company include a combination of State Water Project ("SWP"), water delivered through Castaic Lake Water Agency ("CLWA"), and local groundwater supplies from the Alluvial aquifer and the Saugus Formation. A summary of the water supply and demand available for the West Creek project in conjunction with the existing water demand in the Santa Clarita Valley, as well as future cumulative water demand in the Valley under near-term and long-term conditions, has been presented in the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), which is incorporated herein by this reference, as if set forth in full.

41. Based on the record, sufficient water supplies from the SWP can be reliably delivered through CLWA to serve the West Creek project. In addition, the Final Additional Analysis applied DWR's reliability projections to CLWA's SWP Table A Amount, and noted that such an amount is affected by, and can be reduced due to a number of factors, including hydrologic conditions, the status of SWP facilities' construction, environmental requirements, and evolving policies for the Sacramento-San Joaquin Delta. The Final Additional Analysis also pointed out that SWP supplies vary from year-to-year depending on many identified factors. As a result, CLWA and the retail water purveyors in the Valley have emphasized developing SWP supplies in conjunction with local groundwater and other water supplies in order to meet the Valley's water demand under varying hydrologic conditions (e.g., average, dry, and critical dry year).
42. In 2002 and 2003, there were adequate and reliable water supplies available in the Santa Clarita Valley to serve the existing population and to also supply water needed for the West Creek project, if implemented at that time.
43. Based on the record, adequate and reliable water supplies exist in the Santa Clarita Valley to serve the West Creek project and the existing and future population during future average, dry, and critical-dry years. The Final Additional Analysis used estimates of SWP supplies provided by the DWR, as directed by the courts in the West Creek litigation. The Final Additional Analysis also calculated and analyzed the difference between SWP entitlements and actual available SWP water supplies, and made it clear that SWP entitlements are not equivalent to actual deliveries of SWP water.
44. CLWA and the local retail water purveyors in the Santa Clarita Valley have the capability to deliver adequate and reliable supplies of water to their customers and their delivery capability is not significantly impacted by the 1997 discovery of ammonium perchlorate in 4 Saugus Formation supply wells, the 2002 discovery of perchlorate in one Alluvial aquifer supply well (Stadium well), and the 2005 discovery of perchlorate in one other Alluvial aquifer supply well (Well Q2). In

making this finding, the Board has considered the updated perchlorate analysis presented in the: (a) West Creek Draft Additional Analysis, Section 4.0; (b) Final Additional Analysis (including topical responses presenting updated information regarding perchlorate); and, (c) Supplement to the West Creek EIR and Final Additional Analysis. In addition, the Board has considered: (a) the 2000 Urban Water Management Plan ("UWMP") adopted by CLWA and the retail water purveyors in the Santa Clarita Valley (December 2000); (b) the Court of Appeal decision invalidating the 2000 UWMP on perchlorate grounds; (c) the "Groundwater Perchlorate Contamination Amendment and Other Amendments to the 2000 UWMP" (December 2004), which was prepared in response to the Court of Appeal's decision; and, (d) the 2003 and 2004 *Santa Clarita Valley Water Reports*.

45. The West Creek project's on-site improvements to the water delivery system will be made and no significant impacts to the water delivery system of Valencia Water Company would be created. In addition, CLWA, the wholesale water purveyor to Valencia Water Company, maintains sufficient water treatment capacity to treat the potable water supply that would be needed for the proposed project.
46. The West Creek project is but one of a number of development projects contemplated, pending or approved in the vicinity of the project site. An analysis of the cumulative effects of all anticipated project development shows that sufficient water supplies are available to serve projected growth. Based on the record, because available cumulative water supplies exceed demand, even assuming a "worst case" projection of future growth, cumulative development (including the West Creek project) would not result in significant unavoidable cumulative impacts on Santa Clarita Valley water resources.
47. In order to analyze the cumulative water impacts of the West Creek project in combination with other expected future growth, the amount and location of growth expected to occur in addition to the proposed project was predicted through the use of two separate cumulative development scenarios. The two cumulative development scenarios analyzed in the Final Additional Analysis are referred to as the "SB 610 Water Supply Assessment Scenario" and the "Santa Clarita Valley 2025 Build-Out Scenario."
48. Under the first cumulative scenario analyzed, there will be sufficient water supply available to meet the project's demand in addition to existing and other planned future uses.
49. Under the second "worst case" cumulative scenario analyzed, available cumulative water supplies exceed demand, even assuming a "worst case" projection of future growth (cumulative development, plus the West Creek

project). Because available cumulative water supplies exceed demand, there are no significant unavoidable cumulative impacts on Santa Clarita Valley water resources.

50. In response to comments, the County updated its General Plan Development Monitoring System ("DMS") water analysis. Based on the updated DMS Buildout Scenario set forth in the Final Additional Analysis, Volume III (April 2004), Response 6 to the letter from Santa Clarita Organization for Planning the Environment ("SCOPE"), dated January 27, 2004, there will be sufficient water supplies for the entire demand of the West Creek project and all pending, approved, and recorded projects in the DMS. Consequently, no significant cumulative water impacts would occur under the County's DMS water analysis; and, therefore, the West Creek project is consistent with the County's DMS policies as they relate to water supplies.
51. The project conditions provide that no grading (including brush clearance activities, bulk grading, rough grading, or fine grading) shall occur in planning Areas "A" and "B" until the water agency providing retail water service to the site has annexed the site into its service area and issued a "will serve" letter certifying that it will provide water to the site and has sufficient water capacity to do so. This project condition shall not apply to grading required for the construction of, and access to, any school, trail, water tank, bank stabilization or utility, or to the Decoro Drive bridge and roadways connecting to adjacent approved tract maps.
52. The subject property lies within an urban expansion area and is in compliance with the Department's DMS. The project is consistent with the infrastructure portion (Urban Services Analysis) of the County's DMS since there is or will be adequate water service, sewage discharge capacity, schools, libraries, and fire service. These services were evaluated as part of the environmental analysis and the resultant environmental document. Cumulative impacts on schools were identified during processing. The permittee has agreed to participate in school financing, thus providing the necessary mitigation measures to reduce impacts on schools. Appropriate fees will be paid for capital library costs to ensure sufficient increased capacity to serve the project's demands.
53. The project is consistent with the access portion of the DMS since there is adequate road service and commercial and employment facilities are located in close proximity. The road service was evaluated as part of the environmental analysis and the resultant environmental document. The proximity to commercial and employment facilities was evaluated as part of the field investigation and/or general plan evaluation and as part of the environmental analysis and the resultant environmental document.

54. The project is consistent with the environmental portion of the DMS since there is no significant geotechnical, flood hazard, fire, or natural resource impacts, and the project does not affect publicly held or privately dedicated open space, as shown in the Countywide General Plan. These resources/hazards were evaluated as part of the West Creek EIR, as revised.
55. The project, in summary:
- a. avoids premature conversion of undeveloped land to urban use;
  - b. promotes a distribution of population consistent with service system capacity, resource availability, environmental limitations, and accessibility;
  - c. directs urban development and revitalization efforts to protect natural and manmade amenities and to avoid severe hazard areas, such as flood-prone areas, active fault zones, steep hillsides, landslide areas, and fire hazard areas;
  - d. encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land;
  - e. ensures that new development in urban expansion areas will occur in a manner consistent with stated plan policies and will pay for the marginal public costs that it generates;
  - f. focuses intensive urban uses in an interdependent system of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities; and
  - g. provides for a higher density of housing to meet increasing demand in an area which will have relatively lesser environmental consequences.
56. The access to this project is adequate for the needs of future residents and for the deployment of fire fighting and other emergency equipment in emergency situations.
57. A traffic study analyzing the potential traffic impacts of this project was prepared by the permittee and reviewed and approved by the Department of Public Works. Appropriate traffic mitigation measures are incorporated into the conditions of approval for this project.
58. The site is physically suitable for the type of development and the density being proposed, since the property has adequate building sites to be developed in accordance with the grading ordinance, shall have access to County-maintained

streets, shall be served by sanitary sewers, shall be provided with water supplies and distribution facilities with sufficient capacity to meet anticipated domestic and fire protection needs, and shall have flood hazards and geologic hazards mitigated in accordance with the requirements of the Department of Public Works. To further address concerns expressed regarding the availability of sufficient water supplies to serve the project, the Board has added a project condition that provides no grading (including brush clearance activities, bulk, rough, or fine grading) shall occur in Areas "A" and "B" until the water agency providing retail water service to the site has annexed the site into its service area and issued a "will serve" letter certifying that it will provide water to the site and has sufficient water capacity to do so. This condition shall not apply to grading required for the construction of, and access to, any school, trail, water tank, bank stabilization or utility, or to the Decoro Drive bridge and roadways connecting to adjacent approved tract maps. Additionally, prior to the issuance of any grading permits for grading as defined above, the applicant must submit grading plans to the Director of Planning for approval.

59. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife, or their habitat, since the West Creek EIR, as revised, and recommended conditions of approval provide for appropriate mitigation measures. Any potentially significant cumulative impacts to biotic resources not mitigated to a level of insignificance are determined by the Board to be acceptable in accordance with the Statement of Overriding Considerations, which the Board has adopted in connection with certification of the West Creek EIR, as revised, for the project.
60. The division and development of the property in the manner set forth on this tract map will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within this tract map, since the design and development as set forth in the conditions of the case and on this tract map provide adequate protection for rights-of-way and easements.
61. The design of the subdivision and the proposed improvements will not cause serious public health problems since sewage disposal, storm drainage, fire protection, and geologic and soils factors are addressed in the recommended conditions of approval.
62. The design of the subdivision and the proposed improvements will not conflict with public easements for access through, or use of property within the proposed subdivision, since the design and development, as set forth in the conditions of approval and on this tract map, provide adequate protection for any such easements.

63. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein, since the lots are of sufficient sizes so as to permit orientation of structures in an east-west alignment for southern exposure or to take advantage of shade or prevailing breezes.
64. Pursuant to Section 21.24.120 of the Los Angeles County Code (Subdivision Ordinance), the following rights-of-way are approved as future streets:
- "B" Street ("St."), "C" St., "D" St., "E" St., "F" St., "H" St., "I" St., "J" St., "K" St., "L" St., "M" St., "N" St., "O" St., "P" St., "Q" St., "R" St., "S" St., "T" St., "IT" St., "V" St., "W" St., "X" St., "Y" St., "Z" St., "AA" St., "BB" St., "CC" St., "DD" St., "EE" St., "FF" St., "GG" St., "HH" St., "II" St., "JJ" St., "KK" St., "LL" St., "WW" St., "XX" St., "YY" St.
65. San Francisquito Creek traverses portions of the property. Access to the creek is available to the public.
66. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when this project was determined to be consistent with the Countywide General Plan.
67. This tract map has been submitted as a "Vesting" Tentative Tract Map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the Los Angeles County Code (Subdivision Ordinance).
68. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to division 7 (commencing with section 13000) of the Water Code.
69. Approval of this land division is conditioned upon the subdivider's compliance with the attached conditions of approval. The applicant is also required to comply with the conditions of approval for Conditional Use Permit No. 98-008-(5), Oak Tree Permit No. 98-008-(5), and Parking Permit No. 98-008-(5). The mitigation measures identified in the West Creek EIR, as revised, for the project have further been incorporated into the conditions of approval for the related conditional use permit. The Mitigation Monitoring Program prepared in connection with the West Creek EIR, as revised, for this project identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts to the environment is ensured.

70. The West Creek EIR (SCH No. 1998021052) was certified by the Board on September 26, 2000. The West Creek Final EIR consists of both the Draft EIR, Volumes I-III, dated April 1999 (including technical appendices) and the Final EIR, Volume I (April 2000) and Volume II (September 2000) (including comments and responses) (collectively, "West Creek Final EIR"). Thereafter, the West Creek Final EIR was revised by: (a) the West Creek Draft Additional Analysis, Volumes I-II (December 2003); (b) the West Creek Final Additional Analysis, Volumes III-IV (April 2004); (c) the AEA Spadefoot, Volume V (June 2004); (d) the Final Additional Analysis, Volume VI (September 2004); (e) the Final Additional Analysis, Volume VII (March 2005); and, (f) the Revised Additional Analysis, Volume VIII (April 2005) (collectively, "Final Additional Analysis").
71. After the Board's certification of the West Creek Final EIR and Final Additional Analysis, the Department caused the Supplement to be prepared to address the Department's determinations regarding the detection of perchlorate in Valencia's Well Q2.
72. The West Creek Final EIR, as revised by the Final Additional Analysis and the Supplement, describes the West Creek project, documents the project's environmental impacts and identifies mitigation measures that will be implemented as part of the project. As stated in the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), the West Creek project will result in significant unavoidable direct and cumulative impacts on air quality during both construction and operation phases of the project, biotic resources, visual qualities, solid waste disposal and agricultural resources. Such impacts have been reduced to the extent feasible and the Board finds that the benefits of the West Creek project outweigh these significant unavoidable impacts. Such unavoidable impacts have been determined to be acceptable based on the overriding considerations set forth in the Statement of Overriding Considerations for the project.
73. The revised Mitigation Monitoring Program prepared in conjunction with the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement, identifies in detail the manner in which compliance with the measures adopted to avoid or mitigate the potential significant impacts of the project is ensured. The revised Mitigation Monitoring Program, which is attached as Exhibit "A" to the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), is incorporated herein by this reference, as if set forth in full. The revised Mitigation Monitoring Program includes additional mitigation measures relating to impacts on the western spadefoot toad within a portion of the project's SEA area. Those mitigation measures shall be implemented, pursuant to Conditional Use Permit No. 98-008-(5), which has been concurrently reinstated and reaffirmed by the Board.

74. The revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), is incorporated herein by this reference, as if set forth in full.
75. The western spadefoot toad was discovered on the West Creek site after the County already circulated for review and public comment the West Creek Draft Additional Analysis, which addressed the water supply and demand issues associated with the West Creek project in response to the Court decision in the West Creek litigation. The California Department of Fish and Game and U.S. Fish and Wildlife Service designate the western spadefoot toad as a special status species. As a result, the Department directed preparation of an AEA Spadefoot to address the environmental effects associated with the confirmed discovery of the western spadefoot toad on the West Creek project site. The original West Creek EIR, at pages 4.3-62 and 4.3-63, contained mitigation measures relating to special-status wildlife species (see, Mitigation Measures 4.3-5 through 4.3-8). In addition to those mitigation measures, the AEA Spadefoot identified two additional measures to mitigate impacts to the western spadefoot toad (see, Mitigation Measures 4.3-9 and 4.3-10).
76. The Board has thoroughly reviewed the AEA Spadefoot. The AEA Spadefoot is a component of the West Creek Draft Additional Analysis, and was circulated for public review and comment for the required 45-day period under CEQA. Based on the Board's review of the AEA Spadefoot, along with the public comments, responses to those comments and the mitigation measures for the spadefoot, the Board concurs with the EIR findings that potential impacts to western spadefoot toad are not considered significant after mitigation under the circumstances presented by this project. The circumstances rendering impacts to western spadefoot less than significant after mitigation consist primarily of the fact that: (a) the western spadefoot was found in artificial man-made retention basins, not natural habitat or disturbed natural habitat; (b) the spadefoot, in all likelihood, relocated to those retention basins as "opportunists" from nearby existing undisturbed habitats; (c) the spadefoot likely relocated from off-site areas to the retention basins, because the spadefoot, if it occupied development Area "C," likely could not have survived the grading and recompaction operations that occurred in that area; and, (d) the retention basins were constructed to "catch" run-off from adjacent areas and, as constructed, they contain too much water to allow the spadefoot to persist in those basins due to the high potential for predators to develop in those basins; as such, these basins are not considered suitable habitat for the spadefoot. Accordingly, the Board finds that the project remains consistent with the environmental portion of the County's DMS and that the project remains compatible with the biotic resources within the SEA.

77. The custodian of the documents constituting the West Creek record of proceedings, upon which the Board's decision is based in this matter, is the Clerk of the Board, the Department, the Department of Public Works, and the County's environmental consultant for this project, Impact Sciences, Inc.

**THEREFORE, THE BOARD OF SUPERVISORS:**

- A. Approves the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), prepared for the West Creek project and certifies that it has reviewed and considered the information contained in that documentation;
- B. Certifies that the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), is adequate, complete and in compliance with CEQA, the CEQA Guidelines, the County CEQA Guidelines, the Court of Appeal's published decision and the subsequent trial court writ of mandate in the West Creek litigation, and finds that the West Creek revised environmental documentation reflects the independent judgment of the Board;
- C. Determines that the mitigation measures discussed in the West Creek Final EIR, as revised by the Final Additional Analysis and Supplement (SCH No. 1998021052), and the conditions of approval reflected in the West Creek Project Approvals are the only feasible mitigation measures for the project;
- D. Adopts the revised CEQA "Findings of Fact and Statement of Overriding Considerations Regarding the West Creek Project" (July 2005), including the attached Mitigation Monitoring Program, and finds that, pursuant to section 21081.6 of the Public Resources Code, the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation; and
- E. Reinstates and reaffirms previously adopted Vesting Tentative Tract Map No. 52455, subject to the attached conditions.

**CONDITIONS OF APPROVAL  
VESTING TENTATIVE TRACT MAP NUMBER 52455**

**GENERAL CONDITIONS**

(The following conditions are applicable to all lots.)

1. Conform to the applicable requirements of Title 21 and Title 22 of the Los Angeles County Code ("County Code") (Subdivision and Zoning Ordinances), Conditional Use Permit No. 98-008-(5), Oak Tree Permit No. 98-008-(5), and Parking Permit No. 98-008-(5).
2. Recordation of the final map is contingent upon the Los Angeles County Board of Supervisors:
  - a. Adopting General Plan and Sub-Plan Amendment No. 98-008-(5); and
  - b. The effectuation of an ordinance changing the zoning of the property from A-2-5 to RPD-5000-2U, RPD-5000-10U, RPD-5000-12U, RPD-5000-19U, RPD-5000-25U, RPD-5000-27U, C-2-DP, and Open Space as recommended under Zoning No. 98-008-(5).
3. Except as otherwise specified in these conditions or by Conditional Use Permit No. 98-008-(5), conform to the lot area requirements of the RPD-5000-2U, RPD-5000-10U, RPD-5000-12U, RPD-5000-19U, RPD-5000-25U, RPD-5000-27U, C-2-DP, and Open Space zones. Where a minimum (required) lot area is not specified in these conditions by Conditional Use Permit No. 98-008-(5) or by the Zoning Ordinance, the minimum (required) lot area shall be 5,000 square feet of net area.
4. Except as otherwise specified in these conditions or by Conditional Use Permit No. 98-008-(5), the minimum average lot width, as defined in the Zoning Ordinance, shall be 50 feet.
5. Permission is granted to record multiple final maps. The boundaries of the unit final maps shall be to the satisfaction of the Department of Public Works ("DPW") and the Los Angeles County Department of Regional Planning ("Department"). Each final map to record shall comply on its own, or in combination with previously recorded maps, with the open space and lot area requirements of the General Plan, the Zoning Ordinance, and Conditional Use Permit No. 98-008-(5). Prior to clearance of each final map, submit the following:
  - a. A phasing map indicating the boundaries of the current final map, the boundaries and status of all previously filed final maps, and the expected boundaries and phasing of all future final maps; and

- b. A summary sheet indicating the number and type of all lots shown on the current and all previous final maps.
6. Permission is granted to record a large lot parcel map as the first unit, without improvements, subject to the following:
  - a. The lots shall conform to those shown on page 22 of the tentative map or as approved by the Department;
  - b. Each lot shall be numbered on the final map and shall have a minimum gross area of 20 acres; and
  - c. Access to each lot shall be provided to the satisfaction of the Department and the DPW.
7. Alternative tentative map designs and densities are approved for 9 of the 11 condominium and apartment/lease projects in Planning Area "C" as specified in these conditions and as shown on the tentative map. Condominium and apartment projects are approved for Lots 1374\*, 1375 through 1377\*, 1378 through 1379\*, 1380\*, 1381\*, 1382, 1383\*, 1384\*, 1385\*, 1386\*, and 1387 of the tentative map. An \* denotes a project with approved alternative designs and densities.
8. Final maps may record for each condominium and apartment project within Planning Area "C" in accordance with the preferred design and density or, where authorized, a specifically-approved alternative design and density provided that:
  - a. The maximum number of condominium and apartment units that may record within Development Area "C" is 1,297; and
  - b. No unit final map, individually or in combination with previously recorded final maps, shall exceed the maximum residential density permitted within each zone as indicated by the number preceding the U in the suffix to the zoning symbol.
9. Permission is granted to adjust lot lines to the satisfaction of the Department.
10. Except as otherwise specified in these conditions, flag lots shall have a fee access strip of at least 10 feet in width where contiguous to other strips, 15 feet in width where not contiguous to other strips, and 20 feet in width on single access strips where the driveway exceeds 150 feet in length. All fee strips shall be of sufficient width to accommodate the required paving and any footings for walls and/or planters.

11. Except as otherwise specified in these conditions, construct or bond with the DPW for driveway paving on the flag lots with a minimum width of:
  - a. 15 feet where the driveway is less than 150 feet in length and serves one lot; and
  - b. 20 feet where the driveway for any single lot exceeds 150 feet in length; and 20 feet where the common driveway serves two lots.
12. Label each flag lot driveway as a "Private Driveway and Fire Lane" on the final map.
13. Provide reciprocal easements over shared flag lot driveways for the benefit of the lots served and post with "No Parking" signs. Submit a letter to the Department agreeing to continuously post the shared driveways and to record the easements in documents when the lots are sold.
14. Provide for the maintenance of all shared flag lot driveways through a maintenance agreement by the owners of the lots. Submit a copy of the agreement to be recorded to the Department.
15. Dedicate to the County of Los Angeles the right to prohibit construction of more than one dwelling unit on single-family lots having twice the required area.
16. Grant to the general public a non-exclusive easement for ingress and egress and road purposes over all future and private and future streets in this subdivision to the satisfaction of the DPW and the Department;
17. Provide for the ownership and maintenance of the private and future streets by the Homeowners' Association.
18. Except where the Los Angeles County Fire Department ("Fire Department") determines that gates are not allowed for safety reasons, or as otherwise specified in these conditions, gated entries are permitted at the locations depicted on the tentative maps subject to the stacking, turnaround, width, and design requirements of the Fire Department and the DPW.
19. Provide slope planting and an irrigation system in accordance with the Grading Ordinance. Include conditions in the tract Covenants, Conditions and Restrictions ("CC&Rs"), which would require continued maintenance of the plantings for lots having planted slopes.
20. Prior to the recordation of any unit final map, submit a copy of the applicable CC&Rs to the Department for review and approval.

21. Construct such off-site improvements, including a bridge on Decoro Drive, as are determined by the DPW to be necessary to accommodate the anticipated traffic impacts associated with this development.
22. In order to defray the cost of wildlife protection and management, the subdivider may be responsible for the payment of certain appropriate fees established by the California Department of Fish and Game and the Los Angeles County Clerk. No land use project subject to this requirement is final, vested, or operative until the fee is paid.
23. The subdivider shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this tract map approval, or related discretionary project approvals, whether legislative or quasi-judicial, which action is brought within the applicable time period of Government Code section 66499.37 or any other applicable limitation period. The County shall promptly notify the subdivider of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the subdivider of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
24. In the event that any claim, action, or proceeding, as described above, is filed against the County, the subdivider shall, within 10 days of the filing, pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to the subdivider or the subdivider's counsel. The subdivider shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If, during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
  - b. At the sole discretion of the subdivider, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by subdivider according to section 2.170.010 of the County Code.

**AREA "A" CONDITIONS** (The following conditions are only applicable to the lots in Area "A.")

25. Notwithstanding anything to the contrary provided herein, no grading (including brush clearance activities, bulk grading, rough grading, or fine grading) shall occur in Area "A" until the water agency providing retail water service to the site has annexed the site into its service area and issued a "will serve" letter certifying that it will provide water to the site and has sufficient water capacity to do so. This condition shall not apply to grading required for the construction of, and access to, any school trail, water tank, bank stabilization, or utility, or to the Decoro Drive bridge and roadways connecting to adjacent approved tract maps.
26. Prior to the issuance of grading permits for any phase of grading as specifically defined and noted in Condition No. 25 above, plans shall be submitted and approved by the Director of the Department of Regional Planning ("Director").
27. Dedicate the right to restrict access from Lots 404, 405, 434, 435, and 436 directly to "A" Street.
28. Except for flag lots, provide at least 40 feet of street frontage for each lot fronting on cul-de-sacs and knuckles and 50 feet of street frontage for all other lots. Where it is not possible to adjust the width of adjacent and/or nearby lots to comply with this requirement, eliminate lots as necessary on the final map.
29. Duplicate "K" Street between "B" and "F" Streets is redesignated as "C" Street on the tentative map.
30. Show "A" Drive, serving Lots 365 through 373, as a private and future street on the final map designed to the satisfaction of the DPW.
31. Permission is granted to show the private and future streets as common lots on the final map to the satisfaction of the Department.

**Lots 1 through 364 only - Standard single-family lots.**

32. Provide a minimum lot size of 5,000 square feet of net area and a minimum average lot width of 50 feet for lots 1 through 364, including Lots 13, 17, 19, 93, 106, 128, 187, 242 through 244, 246, 248, 258, 261, 262, 264, 275, 276, 279, 282, 293, 313, and 328.
33. Lots 10, 11, 28, 161, 162, 316, and 317 are approved as flag lots. Additional flag lots may be allowed, if approved by the Department.

**Lots 365 through 373 only - Standard single-family lots.**

34. Provide a minimum lot size of 20,000 square feet of net area and a minimum average lot width of 50 feet for Lots 365 through 373.

**Lots 397 through 404 and 405 through 436 only - Paseo/trail and open space lots.**

35. Dedicate residential construction rights over the paseo/trail and open space lots.
36. Provide for the ownership and maintenance of the paseo/trail and open space lots by the Homeowners' Association or dedicate to a public agency.
37. Permission is granted to create additional open space lots to the satisfaction of the Department.
38. Number all open space and paseo/trail lots on the final map and provide access, a minimum of 15 feet in width, to each open space lot to the satisfaction of the Department.

**Lots 393 and 394 through 396 only - Bridge and public facilities lots.**

39. Dedicate residential construction rights over Lot 393 (Bridge) and Lots 394 through 396 (Water tanks lots).
40. Dedicate Lot 393 and Lots 394 through 396 to a public agency.
41. Provide paved access a minimum of 20 feet in width to Lots 394 through 396 to the satisfaction of the Fire Department.

**AREA "B" CONDITIONS (The following conditions are only applicable to the lots in Area "B.")**

42. Notwithstanding anything to the contrary provided herein, no grading (including brush clearance activities, bulk grading, rough grading, or fine grading) shall occur in Area "B" until the water agency providing retail water service to the site has annexed the site into its service area and issued a "will serve" letter certifying that it will provide water to the site and has sufficient water capacity to do so. This condition shall not apply to grading required for the construction of, and access to, any school trail, water tank, bank stabilization, or utility, or to the Decoro Drive bridge and roadways connecting to adjacent approved tract maps.
43. Prior to the issuance of grading permits for any phase of grading as specifically defined and noted in Condition No. 42, above plans shall be submitted and approved by the Director.

44. Show "LL" Street as a future street with slope easements on the final map. The alignment of this street and associated slope easements shall be to the satisfaction of the DPW and shall connect to the tap street across Lot 680 in Tentative Tract No. 51644. As a future street, no improvements are required for this street. When the street is constructed in the future, permission is granted to gate at one end provided the design of the gate complies with the requirements of the DPW and the Fire Department.
45. Permission is granted to redesign Lots 437 through 515, 970, 922 ("HH" Street), and 923 ("II" Street) in accordance with the "Information Only" map dated September 2, 1999.
46. Permission is granted to redesign Lots 736 through 758 and 958 in accordance with the "Information Only" map dated September 1, 1999 (B).
47. Permission is granted to show the private and future streets as common lots on the final map to the satisfaction of the Department.

**Lots 619 through 699, 759 through 786, and 866 through 911 only - Standard single-family lots.**

48. Provide a minimum lot size of 5,000 square feet of net area and a minimum average lot width of 50 feet for Lots 619 through 699, 759 through 786, and 866 through 911, including Lots 627, 663, 692, 900, and 905.
49. Except for flag lots, provide at least 40 feet of street frontage for each lot fronting on cul-de-sacs and knuckles (including Lot 868) and 50 feet of street frontage for all other lots. Where it is not possible to adjust the width of adjacent and/or nearby lots to comply with this requirement, eliminate lots as necessary on the final map.

Lots 635, 869, 885, 901, and 904 are approved as flag lots. Additional flag lots may be allowed, if approved by the Department.

50. Permission is granted to replace residential lots 866 through 911 and all or portions of open space lots 974, 975, and 976 with elementary school lots to the satisfaction of the Department and the DPW in accordance with the inset map on sheet 3 of the tentative map.

**Lots 912 through 914 and 437 through 600 only - Modified single-family lots.**

51. Provide a minimum lot size of 4,000 square feet of net area and a minimum average lot width of 40 feet for Lots 912 through 914 and 437 through 600, including lots 437, 467, 469, 485, 488, 490, 491, 537, and 538.

52. Except for flag lots, provide at least 40 feet of street frontage for each lot fronting on cul-de-sacs and knuckles (including Lots 501 through 503 and 518 through 521) and 40 feet of street frontage for all other lots. Where it is not possible to adjust the width of adjacent and/or nearby lots to comply with this requirement, eliminate lots as necessary on the final map.
53. Lot 522 is approved as a flag lot. Additional flag lots may be allowed, if approved by the Department.

**Lots 601 through 618, 700 through 758, and 787 through 865 only - Modified single-family lots.**

54. Provide a minimum lot size of 3,350 square feet of net area and a minimum average lot width of 42 feet for Lots 601 through 618, 700 through 758, and 787 through 865, including Lots 601, 607, 731, 822, 830, 839, 858, and 864.
55. Except for flag lots, provide at least 35 feet of street frontage for each lot fronting on cul-de-sacs and knuckles (including Lot 792) and 42 feet of street frontage for all other lots. Where it is not possible to adjust the width of adjacent and/or nearby lots to comply with this requirement, eliminate lots as necessary on the final map.
56. Lots 725 and 829 are approved as flag lots. Additional flag lots may be allowed, if approved by the Department.

**Lots 915 and 936 through 947 only - Bridge and paseo/trail lots.**

57. Dedicate residential construction rights over Lot 915 and lots 936 through 947.
58. Provide for the maintenance of Lot 915 and Lots 936 through 947 by the Homeowners' Association or by a landscape maintenance district.

**Lots 948 through 976 only - Open Space.**

59. Dedicate residential construction rights over Lots 948 through 976.
60. Provide for the ownership and maintenance of the open space lots by the Homeowners' Association or a landscape maintenance district.
61. Permission is granted to create additional open space lots to the satisfaction of the Department.
62. Number all open space lots on the final map and provide access, a minimum of 15 feet in width, to each open space lot to the satisfaction of the Department.

**AREA "C" CONDITIONS** (The following conditions are applicable only to all the lots in Area "C" unless otherwise specified.)

63. Obtain easements across the Metropolitan Water District right-of-way for access on future offers of dedication to the County over, and the construction of the private and future "NN" and "OO" Streets.
64. With respect to private driveways "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," "L," "M," "N," "P," "Q," "R," "S," "T," "U," and "V":
  - a. Construct or bond with the DPW for driveway paving with a minimum width of 36 feet;
  - b. Show the private driveways as common lots on the final map and label each driveway as "Private Driveway and Fire Lane," and
  - c. Provide for the maintenance of the private driveways by the Homeowners' Association.
65. With respect to private alleys "A," "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," "L," "N," "O," "P," and the alley serving Lots 1028 and 1029:
  - a. Construct or bond with the DPW for driveway paving with a minimum width of 24 feet;
  - b. Show the private alleys as common lots on the final map and label each alley as a "Private Driveway and Fire Lane;"
  - c. Provide for the maintenance of the private alleys by the Homeowners' Association; and
  - d. Post the alleys with "No Parking" signs and provide for continued enforcement of the parking restriction in the CC&Rs.
66. Permission is granted to redesign Lots 977, 1028, and 1029 in accordance with the "Information Only" map dated September 9, 1999.

**Lots 1453 through 1455, 1457 through 1465, and 1466 through 1506 only - Recreation, paseo/trail and open space lots.**

67. Dedicate residential construction rights over the recreation, paseo/trail, and open space lots.

68. Provide for the ownership and maintenance of the recreation, paseo/trail, and open space lots by the Homeowners' Association or a landscape maintenance district to the satisfaction of the Department.
69. Permission is granted to create additional open space and paseo/trail lots to the satisfaction of the Department.
70. Number all open space and paseo/trail lots on the final map and provide access, a minimum of 15 feet in width to each open space lot to the satisfaction of the Department.

**Lots 1456 and 1451 through 1452 only - Bridge and public facilities lots.**

71. Dedicate residential construction rights over Lot 1456 (Bridge) and Lots 1451 through 1452 (Water quality basin lots).
72. Dedicate Lots 1456, 1451, and 1452 to a public agency.
73. Provide paved access to Lots 1451 and 1452 to the satisfaction of the DPW.

**Lots 977 through 1027, and 1326 through 1373 only - Modified single-family lots.**

74. Provide a minimum lot size of 3,350 square feet of net area and a minimum average lot width of 42 feet for lots 977 through 1027 and 1326 through 1373.
75. Except for flag lots, provide at least 35 feet of street frontage for each lot fronting on cul-de-sacs and knuckles (including Lots 977, 984, 998, 1011, 1012, 1019, and 1020), and 42 feet of street frontage for all other lots (including Lots 1333 and 1340). Where it is not possible to adjust the width of adjacent and/or nearby lots to comply with this requirement, eliminate lots as necessary on the final map.
76. Lots 1010, 1013, 1018, 1021, 1336, 1338, 1339, and 1356 are approved as flag lots. Additional flag lots may be allowed, if approved by the Department.

**Lots 1028 through 1325 only - Modified single-family lots.**

77. Provide a minimum lot size of 4,000 square feet of net area and a minimum average lot width of 40 feet for Lots 1028 through 1325.
78. Except for flag lots, provide at least 35 feet of street frontage for each lot fronting on cul-de-sacs and knuckles (including Lots 1229 and 1288) and 40 feet of street frontage for all other lots (including Lots 1142, 1219, and 1311). Where it is not possible to adjust the width of adjacent and/or nearby lots to comply with this requirement, eliminate lots as necessary on the final map.

79. Lots 1230, 1299 and 1300 are approved as flag lots. Additional flag lots may be allowed, if approved by the Department.

**Lots 1388 through 1392 and 1393 through 1398 only - Commercial projects.**

80. For each project, construct, or bond with the DPW for driveway paving, a minimum of 26 feet in width, for all main driveways depicted on the tentative map and all other driveways designated by the Fire Department as fire lanes.
81. For each project, delineate the main driveways and all other driveways designated by the Fire Department as fire lanes on the final map or on a plat to be recorded concurrently with the final map and label each such driveway as a "Private Driveway-Fire Lane."
82. Record a covenant agreeing to post "No Parking" signs at locations required by the Fire Department and to provide for continued enforcement of the no parking restriction.
83. Reserve reciprocal easements over all common driveways for the benefit of the lots served.
84. Each lot shall meet the required parking of the use proposed on-site or file a parking permit for off-site parking. Provide evidence of an easement over the Metropolitan Water District right-of-way for the proposed supplemental parking adjacent to lots 1393 and 1394.
85. Lot 1396 is approved as a lease project for two commercial buildings. Place a note to this effect to the satisfaction of the DPW.

**Lot 1374 only - Preferred Project (88 new single-family condominiums).**

86. Construct or bond with the Department of Public Works for driveway paving of 36 feet in width on the main driveways (including the entrance driveways to "MM" Street and "I" Driveway) and 34 feet in width on the cul-de-sac and loop driveways serving the cluster units, unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.
87. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
88. Record a covenant agreeing to:

- a. post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking" signs; and
  - b. provide for continued enforcement of the no parking restriction.
89. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
  90. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
  91. Building setbacks shall conform to those established by the conditional use permit.
  92. Lot 1374 is approved as a condominium project for 88 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
  93. Provide for an adequate lighting system along all walkways.
  94. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1374 only - Alternative Project (68 new single-family condominiums).**

95. Construct or bond with the DPW for driveway paving of 36 feet in width on main common driveways (including the entrance driveways to "MM" Street and "I" Drive) and 26 feet in width on the common driveway serving three units at the southwesterly corner of the project.
96. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
97. Record a covenant agreeing to post the 26-foot-wide common driveway with "No Parking" signs and to provide for continued enforcement of the no parking restriction.

98. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
99. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
100. Building setbacks shall conform to those established by the conditional use permit.
101. Lot 1374 is approved as a condominium project for 68 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
102. Provide for an adequate lighting system along all walkways.
103. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1387 only - Preferred Project (55 new single-family condominiums).**

104. Construct or bond with the DPW for driveway paving of 36 feet in width on main common driveways (including the entrance driveways to "I" and "J" drives) and 34 feet in width on the common cul-de-sac driveway.
105. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
106. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
107. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.

108. Building setbacks shall conform to those established by the conditional use permit.
109. Lot 1387 is approved as a condominium project for 55 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
110. Provide for an adequate lighting system along all walkways.
111. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lots 1375 through 1377 only - Preferred Project (44 new single-family condominiums).**

112. Construct or bond with the DPW for driveway paving of 34 feet in width on the common driveways serving the cluster units, unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.
113. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
114. Record a covenant agreeing to post all common driveways which are less than 34 feet in width with "No Parking" signs, and to provide for continued enforcement of the no parking restriction.
115. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
116. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
117. Building setbacks shall conform to those established by the conditional use permit.

118. Lots 1375 through 1377 are approved as a condominium project for 44 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
119. Provide for an adequate lighting system along all walkways.
120. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lots 1375 through 1377 only - Alternative Project (24 new single-family condominiums).**

121. Construct or bond with the DPW for driveway paving of 34 feet in width on common driveways serving the cluster units.
122. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
123. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
124. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
125. Building setbacks shall conform to those established by the conditional use permit.
126. Lots 1375 through 1379 are approved as a condominium project for 24 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
127. Provide for an adequate lighting system along all walkways.
128. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lots 1378 and 1379 only - Preferred Project (15 building lease project, 216 new apartments).**

129. Construct or bond with the DPW for driveway paving of 26 feet in width on all driveways, including driveways providing access to parking spaces.
130. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
131. Record a covenant agreeing to post the 26-foot-wide driveways with "No Parking, except in designated spaces" signs, and to provide for the continued enforcement of the no parking restriction.
132. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
133. Building setbacks shall conform to those established by the conditional use permit.
134. Lots 1378 and 1379 are approved as lease projects for 4 buildings and 11 buildings, respectively, containing a total of 216 apartment units. Place a note on the final map to this effect to the satisfaction of the DPW and the Department.
135. Provide for an adequate lighting system along all walkways.

**Lots 1378 and 1379 only - Alternative Project Number One (18 building lease project, 288 new apartments).**

136. Construct or bond with the DPW for driveway paving of 28 feet in width on all collector driveways.
137. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
138. Record a covenant agreeing to post the 28-foot-wide driveways with "No Parking, except in designated spaces" signs, and to provide for the continued enforcement of the no parking restriction.
139. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
140. Building setbacks shall conform to those established by the conditional use permit.

141. Lots 1378 and 1379 are approved as lease projects for 5 buildings and 13 buildings, respectively, containing a total of 288 apartment units. Place a note on the final map to this effect to the satisfaction of the DPW and the Department.
142. Provide for an adequate lighting system along all walkways.

**Lots 1378 through 1379 only - Alternative Project Number Two (136 new attached residential condominiums).**

143. Construct or bond with the DPW for driveway paving of 36 feet in width on all collector driveways.
144. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
145. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
146. Building setbacks shall conform to those established by the conditional use permit.
147. Lots 1378 and 1379 are approved as a condominium project for 136 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
148. Provide for an adequate lighting system along all walkways.
149. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lots 1378 and 1379 only - Alternative Project Number Three (71 new single-family condominiums).**

150. This alternative is not allowed.

**Lot 1380 only - Preferred Project (65 new single-family condominiums).**

151. Construct or bond with the DPW for driveway paving of 36 feet in width on the main driveways and 34 feet in width on the cul-de-sac driveways.
152. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
153. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
154. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
155. Building setbacks shall conform to those established by the conditional use permit.
156. Lot 1380 is approved as a condominium project for 65 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
157. Provide for an adequate lighting system along all walkways.
158. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1380 only - Alternative Project Number One (99 new single-family condominiums).**

159. Construct or bond with the DPW for driveway paving of 36 feet in width on the main driveways, including the entrance driveway, and 34 feet in width on the cul-de-sac and loop driveways serving the cluster units, unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.

160. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
161. Record a covenant agreeing to:
  - a. Post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking" signs; and
  - b. Provide for continued enforcement of the no parking restriction.
162. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
163. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
164. Building setbacks shall conform to those established by the conditional use permit.
165. Lot 1380 is approved as a condominium project for 99 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
166. Provide for an adequate lighting system along all walkways.
167. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1380 only - Alternative Project Number Two (106 new attached residential condominiums).**

168. Construct or bond with the DPW for driveway paving of 28 and 36 feet in width as shown on the tentative map.
169. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."

170. Record a covenant agreeing to post the 28-foot-wide driveways with "No Parking, except in designated spaces" signs, and to provide for continued enforcement of the no parking restriction.
171. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
172. Building setbacks shall conform to those established by the conditional use permit.
173. Lot 1380 is approved as a condominium project for 106 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
174. Provide for an adequate lighting system along all walkways.
175. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1381 only - Preferred Project (294 new attached residential condominiums).**

176. Construct or bond with the DPW for driveway paving of 36 feet in width on main collector driveways and 28 feet in width on all other driveways. The main collector driveways may be reduced in width to 30 feet and 36 feet, as shown on the tentative map if sufficient guest spaces, appropriately located throughout the project, are provided to the satisfaction of the Department and the Fire Department.
177. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
178. Record a covenant agreeing to post all driveways of less than 34-foot-width with "No Parking, except in designated spaces" signs, and to provide for continued enforcement of the no parking restriction.
179. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
180. The driveway access to Copper Hill Drive (labeled emergency access on the tentative map) may be eliminated provided that a maximum of 150 dwelling units may record on a single means of driveway access.

181. Building setbacks shall conform to those established by the conditional use permit.
182. Lot 1381 is approved as a condominium project for 294 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
183. Provide for an adequate lighting system along all walkways.
184. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1381 only - Alternative Project Number One (203 new attached residential condominiums).**

185. Construct or bond with the DPW for driveway paving of 28 feet and 36 feet in width as shown on the tentative map.
186. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
187. Record a covenant agreeing to post the 28-foot-wide driveways with "No Parking, except in designated spaces" signs and to provide for continued enforcement of the no parking restriction.
188. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
189. The driveway access to Copper Hill Drive (labeled emergency access on the tentative map) may be eliminated provided that a maximum of 150 dwelling units may record on a single means of driveway access.
190. Building setbacks shall conform to those established by the conditional use permit.
191. Lot 1381 is approved as a condominium project for 203 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
192. Provide for an adequate lighting system along all walkways.

193. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1381 only - Alternative Project Number Two (125 new single-family condominiums).**

194. Construct or bond with the DPW for driveway paving of 36 feet in width on all common driveways; except for the common driveway serving two units, which may be 20 feet in width and 24 feet on driveways serving 3 units.
195. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
196. Record a covenant agreeing to post the 20-foot-wide driveway with "No Parking, except in designated spaces" signs, and to provide for continued enforcement of the no parking restriction.
197. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
198. The driveway access to Copper Hill Drive (labeled emergency access on the tentative map) may be eliminated provided that a maximum of 150 dwelling units may record on a single means of driveway access.
199. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
200. Building setbacks shall conform to those established by the conditional use permit.
201. Lot 1381 is approved as a condominium project for 125 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
202. Provide for an adequate lighting system along all walkways.

203. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1381 only - Alternative Project Number Three (179 new single-family condominiums).**

204. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways and 34 feet in width on the cul-de-sac driveways serving the cluster units, unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.
205. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
206. Record a covenant agreeing to:
- a. Post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking, except in designated spaces" signs; and
  - b. Provide for the continued enforcement of the no parking restriction.
207. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
208. The driveway access to Copper Hill Drive (labeled emergency access on the tentative map) may be eliminated provided that a maximum of 150 dwelling units may record on a single means of driveway access.
209. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
210. Building setbacks shall conform to those established by the conditional use permit.

211. Lot 1381 is approved as a condominium project for 179 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
212. Provide for an adequate lighting system along all walkways.
213. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1383 only - Preferred Project (90 new single-family condominiums).**

214. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways and 34 feet in width on the cul-de-sac driveways serving the cluster units, unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.
215. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
216. Record a covenant agreeing to:
  - a. Post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking, except in designated spaces" signs; and
  - b. Provide for the continued enforcement of the no parking restriction.
217. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
218. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
219. Building setbacks shall conform to those established by the conditional use permit.

220. Lot 1383 is approved as a condominium project for 90 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
221. Provide for an adequate lighting system along all walkways.
222. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1383 only - Alternative Project Number One (75 new single-family condominiums).**

223. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways and 34 feet in width on the cul-de-sac driveways serving the cluster units unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.
224. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
225. Record a covenant agreeing to:
  - a. Post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking, except in designated spaces" signs; and
  - b. Provide for the continued enforcement of the no parking restriction.
226. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
227. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
228. Building setbacks shall conform to those established by the conditional use permit.

- 229. Lot 1383 is approved as a condominium project for 75 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
- 230. Provide for an adequate lighting system along all walkways.
- 231. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1383 only - Alternative Project Number Two (59 new single-family condominiums).**

- 232. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways as shown on the tentative map.
- 233. Show the collector driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
- 234. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
- 235. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
- 236. Building setbacks shall conform to those established by the conditional use permit.
- 237. Lot 1383 is approved as a condominium project for 59 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
- 238. Provide for an adequate lighting system along all walkways.
- 239. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1386 only - Preferred Project (95 new single-family condominiums).**

240. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways and 34 feet in width on the cul-de-sac driveways serving the cluster units, unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.
241. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
242. Record a covenant agreeing to:
  - a. Post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking, except in designated spaces" signs; and
  - b. Provide for the continued enforcement of the no parking restriction.
243. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
244. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
245. Building setbacks shall conform to those established by the conditional use permit.
246. Lot 1386 is approved as a condominium project for 95 new residential units, whereby the owners of the units of air space writ hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
247. Provide for an adequate lighting system along all walkways.
248. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1386 only - Alternative Project Number One (89 new single-family condominiums).**

- 249. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways as shown on the tentative map.
- 250. Show the collector driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
- 251. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
- 252. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
- 253. Building setbacks shall conform to those established by the conditional use permit.
- 254. Lot 1386 is approved as a condominium project for 89 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
- 255. Provide for an adequate lighting system along all walkways.
- 256. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1386 only - Alternative Project Number Two (184 new attached residential condominiums).**

- 257. Construct or bond with the DPW for driveway paving on the collector and other common driveways as shown on the tentative map.
- 258. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."

259. Record a covenant agreeing to post all common driveways less than 34 feet in width with "No Parking, except in designated spaces" signs, and to provide for continued enforcement of the no parking restriction.
260. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
261. Building setbacks shall conform to those established by the conditional use permit.
262. Lot 1386 is approved as a condominium project for 184 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
263. Provide for an adequate lighting system along all walkways.
264. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1386 only - Alternative Project Number Three (113 new single-family condominiums).**

265. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways and 34 feet in width on the cul-de-sac driveways serving the cluster units, unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.
266. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
267. Record a covenant agreeing to:
  - a. Post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking, except in designated spaces" signs; and
  - b. Provide for the continued enforcement of the no parking restriction.
268. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.

269. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
270. Building setbacks shall conform to those established by the conditional use permit.
271. Lot 1386 is approved as a condominium project for 113 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
272. Provide for an adequate lighting system along all walkways.
273. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1386 only - Alternative Project Number Four (132 new attached residential condominiums).**

274. Construct or bond with the DPW for driveway paving on the collector driveways as shown on the tentative map.
275. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
276. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
277. Building setbacks shall conform to those established by the conditional use permit, especially the setbacks along the northerly project boundary in the vicinity of the northwest corner.
278. Lot 1386 is approved as a condominium project for 132 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.

- 279. Provide for an adequate lighting system along all walkways.
- 280. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1382 only - Preferred Project (Eight building lease project, 113 new apartments).**

- 281. Construct or bond with the DPW for driveway paving as shown on the tentative map, including the off-site driveway to "A" Street within Tentative Tract Map No. 51644.
- 282. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
- 283. Record a covenant agreeing to post the driveways less than 34 feet in width with "No Parking, except in designated spaces" signs, and to provide for the continued enforcement of the no parking restriction.
- 284. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
- 285. Lot 1382 shall not record until final maps record within Tentative Tract Map No. 51644 providing dedicated street access and driveway access across the open space lot within that land division to Lot 1382. Provide evidence of legal access off-site across the open space lot within Tentative Tract Map No. 51644.
- 286. Building setbacks shall conform to those established by the conditional use permit.
- 287. Lot 1382 is approved as lease projects for 8 buildings containing a total of 113 apartment units. Place a note on the final map to this effect to the satisfaction of the Department of Public Works and the Department.
- 288. Provide for an adequate lighting system along all walkways.

**Lot 1385 only - Preferred Project (121 new single-family condominiums).**

- 289. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways and 34 feet in width on the cul-de-sac driveways serving the cluster units, unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.

290. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
291. Record a covenant agreeing to:
- a. Post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking, except in designated spaces" signs; and
  - b. Provide for the continued enforcement of the no parking restriction.
292. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
293. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
294. Building setbacks shall conform to those established by the conditional use permit.
295. Lot 1385 is approved as a condominium project for 121 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
296. Provide for an adequate lighting system along all walkways.
297. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1385 only - Alternative Project Number One (147 new attached residential condominiums).**

298. Construct or bond with the DPW for driveway paving on the collector driveways as shown on the tentative map.

299. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
300. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
301. Building setbacks shall conform to those established by the conditional use permit.
302. Lot 1385 is approved as a condominium project for 147 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
303. Provide for an adequate lighting system along all walkways.
304. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1385 only - Alternative Project Number Two (97 new single-family condominiums).**

305. Construct or bond with the DPW for driveway paving on the main collector driveways as shown on the tentative map.
306. Show the collector driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
307. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
308. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
309. Building setbacks shall conform to those established by the conditional use permit.

- 310. Lot 1385 is approved as a condominium project for 97 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
- 311. Provide for an adequate lighting system along all walkways.
- 312. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1385 only - Alternative Project Number Three (200 new attached residential condominiums).**

- 313. Construct or bond with the DPW for driveway paving on the collector driveways as shown on the tentative map. The driveways shown as 31 feet in width on the tentative map may be reduced to 28 feet.
- 314. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
- 315. Record a covenant agreeing to post the 31-foot-wide driveways with "No Parking, except in designated spaces" signs, and to provide for the continued enforcement of the no parking restriction.
- 316. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
- 317. Building setbacks shall conform to those established by the conditional use permit.
- 318. Lot 1385 is approved as a condominium project for 200 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
- 319. Provide for an adequate lighting system along all walkways.
- 320. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1384 only - Preferred Project (16 new attached residential condominiums).**

321. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways, including the off-site access driveway across the open space lot in Tentative Tract Map No. 51644 to "W" Street and 28 feet in width on all other common driveways.
322. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
323. Record a covenant agreeing to post the 28-foot-wide driveways with "No Parking, except in designated spaces" signs, and to provide for the continued enforcement of the no parking restriction.
324. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
325. Lot 1384 shall not record until final maps record within Tentative Tract Map No. 51644 providing dedicated street access and driveway access across the open space lot within that land division to Lot 1384. Provide evidence of legal access off-site across the open space lot within Tentative Tract Map No. 51644.
326. Building setbacks shall conform to those established by the conditional use permit.
327. Lot 1384 is approved as a condominium project for 116 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
328. Provide for an adequate lighting system along all walkways.
329. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1384 only - Alternative Project Number One (15 building lease project, 212 new apartments).**

330. Construct or bond with the DPW for driveway paving as shown on the tentative map, including the off-site access driveway across the open space lot in Tentative Tract Map No. 51644 to "W" Street, except that the minimum driveway width shall be 26 feet or as required by the Fire Department.

331. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
332. Record a covenant agreeing to post the driveways less than 34 feet in width with "No Parking, except in designated spaces" signs and to provide for the continued enforcement of the no parking restriction.
333. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
334. Lot 1384 shall not record until final maps record within Tentative Tract Map No. 51644 providing dedicated street access and driveway access across the open space lot within that land division to Lot 1384. Provide evidence of legal access off-site across the open space lot within Tentative Tract Map No. 51644.
335. Building setbacks shall conform to those established by the conditional use permit.
336. Lot 1384 is approved as lease projects for 15 buildings containing a total of 212 apartment units. Place a note on the final map to this effect to the satisfaction of the DPW and the Department.
337. Provide for an adequate lighting system along all walkways.

**Lot 1384 only - Alternative Project Number Two (103 new single-family condominiums).**

338. Construct or bond with the DPW for driveway paving of 36 feet in width on the main collector driveways and 34 feet in width on the cul-de-sac driveways serving the cluster units unless the conditional use permit specifically approves a lesser driveway width. In no case shall these common driveways be less than 26 feet.
339. Show the common driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
340. Record a covenant agreeing to:
  - a. Post all common driveways designated by the Fire Department as fire lanes which are less than 34 feet in width with "No Parking, except in designated spaces" signs; and
  - b. Provide for the continued enforcement of the no parking restriction.

341. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
342. If parking is to be allowed on a driveway to an individual unit, such driveway shall be a minimum of 18 feet in length measured from the common driveway to the garage door. Where the driveway is less than 21 feet, the garage shall have a roll-up door. If no parking is allowed on a driveway to an individual unit, the driveway shall be no longer than 5 feet to discourage residents from using the driveway for parking. If this requirement is different from that approved under the conditional use permit, the conditional use permit requirement shall prevail.
343. Lot 1384 shall not record until final maps record within Tentative Tract Map No. 51644 providing dedicated street access and driveway access across the open space lot within that land division to Lot 1384. Provide evidence of legal access off-site across the open space lot within Tentative Tract Map No. 51644.
344. Building setbacks shall conform to those established by the conditional use permit.
345. Lot 1384 is approved as a condominium project for 103 new residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note on the final map to this effect to the satisfaction of the Department and the DPW.
346. Provide for an adequate lighting system along all walkways.
347. Provide in the CC&Rs a method for the continual maintenance of the common areas, including the driveways and the lighting system along walkways.

**Lot 1384 only - Alternative Project Number Three (16 building lease project, 256 new apartments).**

348. Construct or bond with the DPW for driveway paving, including the off-site access driveway across the open space lot in Tentative Tract Map No. 51644 to "W" Street, a minimum of 26 feet in width, 34 feet in width where parking is allowed on one side, and 36 feet in width where parking is allowed on both sides.
349. Show the driveways described above on the final map or on a plat to be recorded concurrently with the final map and label each driveway as a "Private Driveway-Fire Lane."
350. Record a covenant agreeing to post the driveways with "No Parking, except in designated spaces" signs, and to provide for the continued enforcement of the no parking restriction.

351. Name or assign a letter identification to all common driveways on the final map to the satisfaction of the Department.
352. Lot 1384 shall not record until final maps record within Tentative Tract Map No. 51644 providing dedicated street access and driveway access across the open space lot within that land division to Lot 1384. Provide evidence of legal access off-site across the open space lot within Tentative Tract Map No. 51644.
353. Building setbacks shall conform to those established by the conditional use permit.
354. Lot 1384 is approved as lease projects for 16 buildings containing a total of 256 apartment units. Place a note on the final map to this effect to the satisfaction of the DPW and the Department.
355. Provide for an adequate lighting system along all walkways.

**AREA "D" CONDITIONS** (The following conditions are only applicable to the lots in Area "D.")

**Lots 1507 through 1513 only - Public facility/water well lots.**

356. Dedicate residential construction rights over Lots 1507 through 1513 (water wells).
357. Dedicate lots 1507 through 1513 to the Valencia Water Company or other public utility, or provide for the ownership of the lots by a Homeowners' Association and lease the lots to the Valencia Water Company or other public utility. Alternative ownership and maintenance arrangements may be substituted with the approval of the Director.

**Lots 1514 through 1521 only - Open space lots.**

358. Dedicate residential construction rights over Lots 1514 through 1521 (open space).
359. Provide for the ownership and maintenance of Lots 1514 through 1521 by the Homeowners' Association and/or by a landscape maintenance district.
360. Permission is granted to create additional open space lots to the satisfaction of the Department.
361. Number all open space lots on the final map and provide access, a minimum of 15 feet in width, to each open space lot to the satisfaction of the Department.

362. Dedicate the trail to the satisfaction of the Department of Parks and Recreation. Except as modified hereinabove, this approval is subject to all those conditions set forth in the attached reports.